NATIONAL MUNICIPAL REVIEW

VOL. XII, No. 12 DECEMBER, 1923 TOTAL No. 90

TREND OF ASSESSED VALUES IN NEW YORK CITY

BY LUTHER GULICK

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New York has this year raised assessed values more than one and one-fourth billion dollars. Is the increase justified? :: :: ::

THE New York city tentative assessment for 1924 has just been announced. The grand total is $12,116,155,725. This excludes special franchise assessments which are made later by the state tax department and amount to some $430,000,000. The increase of 1924 over 1923 is over $1,733,000,000. Of this increase $1,109,000,000 is on real estate and $624,000,000 is on personal property.

The period for public hearings and for the filing of requests for reduction or exemption closes on November 15 for real estate and on November 30 for personal property. On the basis of past experience it is expected that a considerable part of the increase will be wiped out during this period. The best estimate now available puts the final 1924 roll at $11,630,000,000 including special franchise assessments.

GROWTH OF PROPERTY ASSESSMENTS IN NEW YORK CITY

The accompanying table presents statistics covering the assessment of real estate and personal property in

TAXABLE ASSESSED VALUES IN NEW YORK CITY
1910–1924

	Real	Personal	Total
1910	$7,044,192,674	$372,644,825	$7,416,837,499
1911	7,858,840,164	357,923,123	8,216,763,287
1912	7,861,898,890	342,963,340	8,204,862,230
1913	8,006,647,861	325,421,340	8,332,069,201
1914	8,049,859,912	340,295,560	8,390,155,472
1915	8,108,760,787	352,051,755	8,460,812,542
1916	8,207,822,361	376,530,150	8,584,352,511
1917	8,254,549,000	419,156,315	8,573,705,315
1918	8,339,638,851	251,414,875	8,591,053,726
1919	8,428,322,753	362,412,780	8,790,735,533
1920	8,626,122,557	296,506,185	8,922,628,742
1921	9,972,985,104	213,222,175	10,186,207,279
1922	10,249,995,630	210,608,045	10,460,603,675
1923	10,596,065,573	216,585,350	10,812,650,923
1924 (Est.)	11,400,000,000	230,000,000	11,630,000,000

New York city since 1910. The outstanding facts shown by this table are (1) the consistent and rapid growth in the value of New York city real estate, (2) the insignificant proportion of personal property and its gradual disappearance as a tax base, and (3) the slight extent to which real estate values have followed price fluctuations during and since the war.

PERSONAL PROPERTY

Under the New York state law debts are deductible from personal property assessments on presentation of sworn statements by taxpayers. Under this provision of the law the annual reduction of personal property assessments ranges between 70 and 75 per cent of the amount placed on the tentative assessment roll. It is, therefore, anticipated that the 1924 assessment for personal property will stand at approximately $230,000,000 in place of the $840,629,525 now carried by the tentative roll.

The phenomenal drop in the assessed value of personal property between 1917 and 1918 is due to the enactment of an income tax law for merchants and manufacturers which substituted a tax on income for the tax on assessed value of tangible and intangible personal property. The drop between 1919 and 1920 is the result of the personal income tax law which eliminated intangible personal property from the property assessment. The losses to the city as a result of these exemptions were much more than made up by the share of the income taxes returned to the city by the state under these two laws.

REAL ESTATE ASSESSMENTS

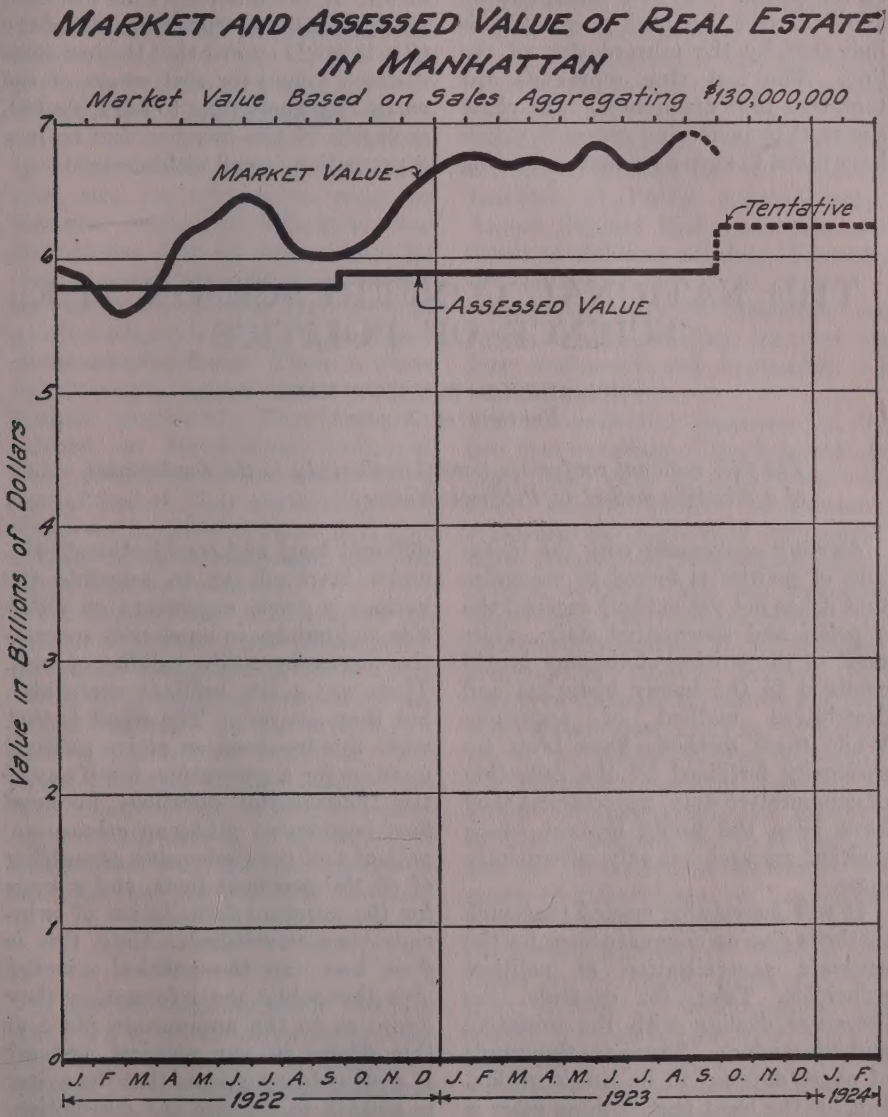
The increase in real estate assessments for 1924 over 1923 is $1,109,000,000. An examination of the building permits issued during the past two years shows that New York City is still passing through its phenomenal boom in building construction. The tentative assessment roll shows that $465,000,000 has been added to the roll because of new improvements. It is estimated that a considerable part of this increment will be wiped out as a result of the exemption which is extended by state law and municipal ordinance to certain types of new dwellings for a limited period of years. This policy of tax exemption was adopted in 1921 in order to encourage construction of inexpensive dwellings. The total exemptions granted on the 1923 roll amounted to $244,000,000. It is estimated that $180,000,000 additional will be granted on the 1924 roll, bringing the total to $424,000,000.

ACTUAL AND ASSESSED VALUES

The real estate market has been phenomenally active during the past two years. In 1921 the value of property sold amounted to approximately $50,000,000 per month. In 1922 this rose to $65,000,000 and in 1923 to $100,000,000. An active market of this character not infrequently means that real estate values are rising rapidly.

An examination of the relation of sale value to the assessed value of property changing hands indicates that this is true of the present real estate market in New York city. On the basis of the real estate statistics published by the *Record and Guide*, actual values are well above assessed values at the present time. This comparison is made only for Manhattan and covers approximately 10 per cent of the sales. On the basis of these figures assessed values were 96.5 per cent of market values in 1922. In spite of the fact that assessed values were increased somewhat in 1923, actual values increased faster, so that assessed values dropped to 86.7 per cent of sale values.

The accompanying chart shows the situation graphically by monthly periods. This chart is based on the assumption that what is true of the sample is true of the whole. The curved line "market value" is a four-month moving average, built up by averaging four months at a time, for example, January, February, March and April, and then dropping January and adding May to form a new average. By continuing this moving average through the year, an



Market value and assessed value were not far apart during 1922, but in 1923 market value began to climb and has remained consistently above assessments. Even the increased tentative valuation for 1924 appears to be below market value.

amount is found which can be plotted for the first of each month with the exception of the last two. In this chart the last two have been estimated. The staggered line "assessed value" represents the value of real estate as carried on the books. The new valuations are as of October first each year. This is indicated by the upward step of the line. The last step represents the tentative 1924 evaluation. The chart shows that increasing assessed values have failed to keep pace with increasing market values and that the tentative assessed value for 1924 appears to be well within market value when the situation is taken as a whole. This is no indication, of course, that the valuation is fair for individual properties. If the tendency thus disclosed for Manhattan is true of the rest of the city, it would appear that the increased assessed values for real estate of the entire city amounting to $644,308,162, exclusive of the increase due to new construction, is well within reason.

THE NATIONAL CONFERENCE ON THE SCIENCE OF POLITICS

BY ARNOLD BENNETT HALL
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The first national conference devoted exclusively to the development of a scientific method in Political Science. :: :: :: ::

ANYONE conversant with the literature of politics is forced to recognize that it has not yet entirely escaped the *a priori* and speculative stage, while most of the writing of the day is still confined to the barely historical and descriptive method of approach. While these methods have been occasionally fertilized by the collection of comparative data, nevertheless they have been the limits beyond which political research has only infrequently gone.

It will scarcely be argued that such methods give an adequate basis for the accurate generalization of political principles. Take, for example, the literature dealing with the initiative and referendum. There are thousands of pages devoted to its consideration. But for the most part nothing more is done than to trace the history of the movement, describe and compare the different legal and constitutional principles involved, or to schedule the various *a priori* arguments on either side and indulge in an equally speculative discussion on the validity of each. There are a few brilliant exceptions, but they are rare. The result is that while this has been an active political question for a generation, few if any of the fundamental questions involved have been tested out by an exhaustive, patient and comprehensive assembling of all the pertinent facts, and a basis for the accurate formulation of principle thus established. Until this is done how can the political scientist give the public the information they desire as to the appropriate place of this device in our political system? It must not be supposed that the writer is seeking to criticise the descriptive, historical or comparative methods, other than to point out that they are

inadequate to the needs of the day. They have been valuable and necessary stages in the evolution of the social sciences.

TO PUT POLITICS ON A FACT BASIS

Occasionally one hears public men criticised because they do not make greater use of the political scientist in the affairs of government. It is pointed out that reliance is placed upon physicians, engineers, accountants, etc., for information regarding technical matters pertaining to their professions. But the main reason for this apparent discrimination against the political scientist is doubtless that political science is not yet in possession of the essential facts. There is where we are vastly behind the other professions mentioned. They have developed a fact-finding technique. Their principles, in the main, have a factual basis. They are dealing with objective, tangible realities that give validity to their conclusions and win public trust and confidence.

The problem that now confronts the student of politics is how to put political science upon a similar basis of fact —how to ground its theories on objective evidence. This involves a new method and a new technique. The recent literature on the subject contains occasional suggestions, but nothing comprehensive as to methodology. And yet this is the question that really bars the way to scientific progress.

ORGANIZATION OF THE CONFERENCE

It was the consciousness of this fact that led a group of seventeen persons, who were attending the American Political Science Association at Chicago last December, to meet at the call of the writer, and to set in motion the movement for the National Conference on the Science of Politics. The writer was asked to serve as chairman and to organize an executive committee to arrange for the first conference. The committee as finally organized was as follows: Frederick P. Gruenberg, director of the Bureau of Municipal Research of Philadelphia; A. N. Holcombe, professor of Political Science, Harvard University; C. E. Merriam, professor of Political Science, University of Chicago; Luther Gulick, secretary, director of the National Institute of Public Administration; Arnold Bennett Hall, chairman, professor of Political Science, University of Wisconsin.

The University of Wisconsin was chosen as the meeting place of the first conference and September 3–8 was the date fixed.

The committee, conscious of the fact that questions of method could be dealt with only in connection with some specific project of research, organized the conference into round-table groups and assigned to each a definite subject. The list of round-tables and their leaders follows: (1) Political Psychology, C. E. Merriam, professor of Political Science, University of Chicago; (2) Survey Methods and Psychological Tests in Civil Service, W. E. Mosher, Bureau of Municipal Research, National Institute of Public Administration; (3) Research in Public Finance, F. P. Gruenberg, director of Bureau of Municipal Research of Philadelphia; (4) Legislation, H. W. Dodds, editor of NATIONAL MUNICIPAL REVIEW; (5) Political Statistics, L. D. Upson, director of Detroit Bureau of Governmental Research; (6) Public Law, E. S. Corwin, professor of Jurisprudence, Princeton University; (7) Nominating Methods, V. J. West, professor of Political Science, Stanford University; and (8) International Organization, P. B. Pot-

ter, associate professor of Political Science, University of Wisconsin.

The work of the round-tables was twofold: First, to formulate into hypothetical principles the important questions pertinent to the subject assigned, and, secondly, to find the best methods of testing out the validity of the hypotheses on a fact basis. Each round-table met every morning and afternoon, and in the evening there was a plenary session of all the members to which the round-tables were required to report the tentative results of the day's work.

ANOTHER CONFERENCE NEXT YEAR

On the last night the members voiced their confidence in the enterprise by voting unanimously to hold another conference the following year and to continue the same committee in power. It was furthermore voted to have the final conclusions of the several groups published, and arrangements have been made for them to appear in the February number of the *American Political Science Review.* Several of the groups voted to keep in touch with each other during the year, exchanging notes on their experiences in testing out the research methods that had been agreed upon, and keeping a record of the results obtained to report back to the conference the following year.

At this time it is difficult to estimate what was actually accomplished, but if the enthusiasm of the members is any criterion, the statement made by one of the most distinguished participants that "this conference marks the beginning of a new day in political research" does not seem to be without foundation. It is also significant that many members who came to the conference with honest doubts as to the feasibility of any plan to place the science of politics upon a factual basis, left the conference not only with confidence in the general plan but with the conviction that they had some idea of the methods by which this end could be attained.

It is indeed both inspiring and reassuring that ninety-three persons from twenty-two states and from forty-two institutions should come to such a conference, on their own time and at their own expense, and labor intensely for a week in a joint effort to begin laying the foundations for a real science of politics. The material sciences with their superior techniques have developed power-creating forces which have rendered immeasurable services to humanity, but which also threatened civilization itself in the tragedy of the World War. Humanity now demands a development of the power-controlling forces—the social sciences—to the end that peace and justice may prevail. In the development of these power-controlling forces, political science ought to do its share, and to this end it must seek continuously the improvement of its method and the perfection of its technique.

TEACHING TO TEACH POPULAR ADULT CLASSES IN GOVERNMENT

BY MRS. J. PAUL GOODE

The problems faced by teachers in the schools of citizenship conducted by the League of Women Voters and how to prepare for them. ::

INSPIRED by the School of Citizenship, which Mrs. Catt organized to follow the first Convention of the National League of Women Voters at Chicago three years ago, Illinois has been very active in the organization and promotion of schools of citizenship—one-day schools, three-day schools, seven-day schools, schools in church parlors, in school auditoriums, in ladies' rooms of banks, in settlement houses, in county courthouses, and in Masonic Temples, in the libraries of millionaires and political bosses, in church basements, in kitchenette apartments, and in the fearsome halls of great universities—everywhere the civic-minded might foregather.

Some of these gatherings have been made up of those who might be induced to conduct such schools, for the greatest of all problems presented in broadcasting political information is that of supplying teachers.

To these groups of potential teachers the important message, as we saw it, was clearly to establish the aims of schools of citizenship. Why *are* schools of citizenship? Are they to advertise the League of Women Voters? They are not! Are they to furnish memberships and the sinews of war to the state Leagues? They are not! That they do these things, Illinois can testify, but Illinois knows that these are but by-products. Their real aim is threefold: to establish in the hearts of the women of Illinois high standards of citizenship so that a fresh stream may help to cleanse the muddy pools of her political life; to open the eyes of our women to the new day that is dawning in the civic life of America; to show each woman her part in this new life and to give such a clear view of the field of action that each woman shall see clearly where she stands, how she is to take hold, and where she is to go next. They aim to establish connections for organized and unorganized women with the sources of political information, whether these sources be published material or public addresses or, better than these, connection with the voluntary organizations which are constantly investigating and securing material, or, best of all, to show opportunities for political action—the only school in which many of us learn very much. Unless our teachers can in some degree do these three things, set up standards of citizenship, establish connections with the sources of political information, and arouse an abiding civic interest, our one-day and our three-day schools will have little to justify their existence. Someone has said it is not of so much consequence where one *is* on any road, as in which direction one is traveling. To get our new citizens to "face front" and to furnish them with chart and compass—this, I take it, is no impossible short-term task. The idea of furnishing a "political education" in three days can, of course, be only a joke.

WOMEN NOT TRAINED POLITICALLY

The teachers themselves must have a reasonable familiarity with the pub-

lished material which they recommend. They must know some simple texts to offer their pupils, and the collateral reading material which makes the dry bones of civics take on life and meaning. In addition they should have had *some* first-hand experience in actual political action. Without this last, the trumpet of the most brazen of us will give forth a mighty uncertain sound and few of our pupils will prepare themselves or anybody else for the civic battle.

Granting this equipment, there are still other indispensables with which we must endow our teachers. They must be given some idea of the conditions which they will meet in the groups which they will be called upon to instruct. Left each to herself, it would surely take the better part of her three days' school time to plumb the depths of the general feminine ignorance of civics. Let us make a clean breast of it, to our prospective teachers at least, that the average woman in the average state doesn't know how to mark a ballot, that she has never seen a ward committeeman to know it, that she doesn't know a congressional ratio from either a hawk or a handsaw. Why *should* we be expected to know much of anything of the machinery of politics? It was none of our business until quite lately, and it was none of our mother's business before us. Let us clear away the ground for a start, and let it be the ground—a place from which we may move. Let us meet our schools where they are. Let us attempt to show to every school an actual place where each may take hold on the great machinery of our civil government.

Crass ignorance, then, is to be expected, and any teacher of the ordinary citizenship school has been poorly prepared if she is astonished at finding it. Indifference, second only to ignorance, she must know how to meet, and she must have many tricks in her bag with which to beguile the indifferent, and let it be known that if she should really succeed in the effort there are many students of political science who would consider that the monster called "Political Evil" had been slain. Then let no one cavil if we urge upon our teachers the absolute necessity of using any legitimate means, avoiding only those which are unethical or which might bring discredit on the League, to arouse the indifferent.

AROUSE AN INTEREST

Tea parties, luncheons, dinners, fashion shows, baby shows, pageants, parades, dramatics, performances of school children, bakery sales, fairs, anything to "ketch your rabbit" which someone has given as the first requisite in making rabbit pie. The rabbit being safely "ketched," the teacher's energies must be devoted to holding him fast by the abounding life and sparkle and practical value of her citizenship lessons. Citizenship must be as popular and as exciting as radio. July wheat, the time signals, and Miss Johnson-at-the-piano must be made to pale into insignificance when compared with "Know Your Own Government," "The Near-End of Politics," and the "Doings of Our Town Council." Graphic materials, demonstration lessons in which each member takes an actual and active part, round-tables, debates, prize essays and contests—local material—all these must be shown to be worth all the wit and wisdom the teacher can bring to them. A receiving apparatus must be installed at every avenue to the pupil's mind. The ear has its large place when speakers and songs and slogans and concert recitations are in order, but the ear is not the only receiving station. An appeal must be made to the eye with

posters, with lantern slides, with graphs, with outlines, with blackboard sketches.

Sometimes demonstration lessons that shake sleepy or too somber people out of their seats will bring life that eloquence alone cannot evoke. One of the best lessons we had, attempted to show the great importance of the office of ward committeemen. The members of the school happened to be seated at a dozen or more tables. The teacher called each table a city ward. Those at one side were arbitrarily named Democrats; those at the other side were willy-nilly Republicans. Sometimes the shock which comes from being party-labelled, without the consent of the labelled, is enough to set the intellectual pulses of the dullest member to throbbing. Each side of each table-ward chose its ward committeeman. These committeemen arose and joined their fellow committeemen in another part of the hall, the two groups thus formed making two county conventions. The two county conventions then chose their delegates to state and congressional conventions. These delegates formed four conventions which gathered in still four other parts of the hall. The congressional conventions each nominated delegates to the two national conventions, which thereupon nominated two candidates for the office of President of the United States. Thus in thirty minutes was established a vivid demonstration of the actual responsibility for the choice of the most powerful ruler in the world —The President of the United States. Each actually saw her power as a citizen, delegated to her ward committeeman, and saw that power rise on up to the White House. Never again will that group complacently sit aside when ward-committeeman is to be chosen, saying, "Ward-committeeman—what is that?" No one went to sleep, for one might be elected to something or other at any moment. Attention is the stuff of which memory is made. Life, life and yet more life, activity, interest, enjoyment, the feeling that citizenship classes are the places where the woman voters of America may tune-in on *power*, real political power—this is the spirit which we try to instill in the teaching of citizenship.

CIVIC CONTACTS

Perhaps the problem of community organization or lack of it, which means so much to the citizenship teacher, should be one of the first to be brought to the attention of the prospective teacher. Ways of gathering the unorganized have already been suggested, but where organization or overorganization already exists, our teachers should early understand ways of taking advantage of such situations by offering their attractive wares as part, not the whole, of the club menu and of making their course the high-water mark of the club year—the means of entrance to established audiences in subsequent years. They should know how to establish civic connections with leaders of civic departments of existing clubs, connections which will prove steady sources of information, which will far outrun any one or three-day independent schools of citizenship. The effort to reach the programs of existing clubs has often had, in Illinois, the largest civic harvests.

Some of the activities of our citizenship schools may seem to be superficial advertising tricks, as somewhat remote from the serious study of "efficiency in government," as crude and elementary. But let us not forget that interest is the first requisite in good citizenship, and that whatever *works* to produce it is good, and whatever *won't work* to produce it is no good, however dignified and grand and aristocratic the plan may look on paper.

THE VICE PROBLEM IN BOSTON[1]

BY ROBERT A. WOODS
South End House, Boston

Ten years has brought very substantial progress in the fight against prostitution. :: :: :: :: :: :: :: :: ::

Boston belongs in "the land of contrasts" so far as its reputation in the matter of sexual morality is concerned. Over against its Puritan background and what remains of its Puritan consciousness are the conditions that go with a metropolitan and cosmopolitan population approaching two million. While the prevalent Boston view has been that since the tolerated prostitution district was broken up thirty years ago, the situation in Boston has been far from extreme, it has been a common experience to hear from those who follow such matters from a more or less bohemian point of view that Boston was one of the worst cities in the country. Something like a true estimate would be found by counting out, on the one hand, the effect of Boston complacency and, on the other, a certain tendency on the part of visitors from New York to give Boston a shock, and striking a balance between the two resultants.

PROGRESS BEGAN BEFORE THE WAR

The population of the urban region is divided among some fifty separate municipalities, with police authority and most of the licensing power in the nuclear city of Boston exercised by the state. The state authority is exercised conservatively from all points of view. While it has been—with a single exception, to be referred to—notably free of any cause of gross scandal, it has been slow to undertake aggressive measures. The most striking thing that the police authorities have done since the radical action just mentioned, was the quiet but broad-scale and largely successful policy of Commissioner O'Meara for the closing of scattered organized houses of prostitution during the years before the war.

This came at the time of the appointment of vice commissions in various cities, and led up to earnest consideration by the Boston Social Union, a federation of twenty settlement houses, of the combined evil of prostitution in hotels and apartments in the tenement districts, with low-grade cafés as market places for it.

At the instance of the Union, G. J. Kneeland and his associates, who had conducted investigations in Chicago and many other cities, came to Boston and made a limited inquiry into these particular phases of the problem. Their report, in specific detail, provided ample evidence to prove that a dozen hotels were providing facilities on a large scale for prostitution and between thirty and forty liquor-selling cafés were freely affording the opportunity for negotiations preliminary to it.

Here was a situation that particularly and pointedly challenged the licensing board which, appointed by the governor, was year after year authorizing these places to continue. As the result of considerable public agitation of the subject, the present

[1] The third in our series of articles on the municipal treatment of vice.

writer was appointed a member of the licensing board; and shortly afterward, with another new appointment, it became possible to establish a definite program for the remedy of these evils. After consultation with Frederick H. Whitin, secretary of the New York Committee of Fourteen, a regulation, or "request" in official language, was made calling for the refusal of hotel accommodations to all couples appearing without baggage. This had a marked effect. Two large establishments found their business seriously embarrassed, and a number of others were crippled in spite of a succession of devices to circumvent the order. This phase of the prostitution evil was thus dealt a blow from which it has never in any considerable degree recovered.

THE CAFÉS

The question of the cafés was more complicated. They were licensed for the sale of liquor on the premises, and everybody had a right to resort to them as guests at their tables. Solicitation seemed an unavoidable by-product. The police commissioner refused to post his young men in the midst of such temptation. He held that the licensing board had its own remedy. Finally the board decided that as the café proprietor had the right to assign his guests to specific parts of his establishment, it was within the range of its powers to instruct him to assign unaccompanied women to a room in which no unaccompanied man should be allowed to enter or remain. The effect of this order was electric. No objection could be made to it as interfering with the sale of liquor to all comers. The nature of the objection was hard to phrase; but it was widespread and violent. The board finally had the most unequivocal testimony as to the effectiveness of their order when the officers of the waiters' union appeared, and stated that if the order was persisted in it would drive five hundred women onto the street, and there would be such open solicitation as Boston had never known. Fear of the police, however, very largely prevented this result, and the board had the satisfaction of learning from the police captain in the district most affected that there was less solicitation on the streets after the order went into effect than before. As a matter of fact many of the women habitues of the cafés left the city.

There were difficulties, of course, in having this order obeyed. A number of proprietors urged that they did not have adequate separate rooms, and they were allowed to put up substantial curtains. The worst place of all, which was owned by the leading brewery combination in the city, continued to disobey the order, and was finally closed. This served as a climax which led the brewery interests to organize their then great political power to secure the overthrow of the policy of the board and the displacement of the two members who made its active majority; which they were able to do.

This was in 1915. The whole situation was the subject of a great deal of publicity; and while a new atmosphere of tolerance was immediately created, the old condition of things in the cafés was never fully restored. When the United States entered the war, and representatives of the Army and Navy were assigned to Boston to see to the protection of the morals of the uniformed men, the suggestion was made by them to the licensing board that the separation order be once more put determinedly in force; an intimation which the board was quick to accept and adopt. This was the state of things at the time when national prohibition went into effect.

THE LODGING HOUSES

War-time administration brought to a head a movement which had been developing for a dozen years to deal with phases of the lodging-house problem that are conducive to prostitution and related forms of sexual immorality. The South End of Boston has 2,500 lodging houses, probably the largest compact grouping of the sort to be found in the country. The South End House in 1902 established one of its centers in the midst of this situation. When a few years later it published the results of its preliminary studies, the book was the first in any language on the subject.[2] The first step taken was the establishment of a room registry, which soon had two hundred houses on its list. These began to be regularly visited to see that they kept up to a proper sanitary and moral standard. In a district where everything seemed to be going down hill, a new kind of confidence began to be apparent. On every block in the district there came to be one or two householders who would exercise surveillance and report causes of serious offence; which were then dealt with, as far as possible, without embarrassment to the informant. Next, a district improvement society was organized through which the responsible people of the district came to know one another and learned to work successfully for the amelioration of the sanitary and moral conditions that pressed most objectionably upon them. Then a Rooming House Association was formed, through which lodging-house keepers were able to act together in fixing proper rates for rentals, in the purchase of supplies, in many detailed matters affecting their business, and in creating a better morale for life in lodging houses. These organizations have kept on continuously year after year, and have been the recognized means of bringing in a distinctly better day in the district. With honest and fairly efficient police action, a very decided change for the better has been brought about so far as forms of organized prostitution are concerned.

Somewhat the same system has now been introduced in all the other sections of the city in which there are lodging houses, with the co-operation of various institutions specially interested in those districts. And during the past few years, the method has been adopted in some seventy American cities, largely under the initiative of the Y. W. C. A.

A very important phase of the lodging-house problem in Boston is that which affects the students, of whom it is estimated that there are 20,000 in the metropolitan district away from home. Until recently there were some of our most reputable educational institutions which assumed little or no responsibility for the way in which their students were housed. The spread of knowledge and concern about the lodging population has brought the authorities of most of the educational institutions to a conviction that, when they do not provide dormitories, they must at least protect the young people under their care from insiduous influences in the households where they reside. There is, however, still a surprising residue of indifference on this point. The general evil result of this attitude is clear enough to anyone who will take the pains to study the situation. Reports from rescue homes show not a few students among their inmates.

After the original South End House study of lodging-house conditions there were two at intervals under public auspices, one made by the municipality, the other, with a special leaning toward

[2] The Lodging-House Problem in Boston. By Albert B. Wolfe. Harvard University Press, Cambridge.

problems of vice, by the state. In both cases, as the result of suggestion from those who were in, though not of, the situation, the licensing of lodging houses was strongly urged. This proposal was continuously objected to by the lodging-house keepers. They protested that they could not have their homes entered by the police. They were certain that the character of their establishments would be injuriously affected.

When the war came it was suggested to the special officers of the War Department that a license system would be a definitely useful protective measure. Through their initiative, the state government finally enacted a measure providing that every house sheltering more than five lodgers must be licensed. The landladies, when they learned that this was a war measure urged by the national government, at once acceded; and have been, on the whole, well satisfied with its operation. The registration requirement, taken with the "true name" law, has a substantial tendency in deterring couples from resorting to lodging houses for immoral purposes. It has at once given protection to the large majority of good houses and provided a weapon of great value to the police in driving undesirable establishments, organized or not, out of business. The police authorities testify that it has been one of the most important measures of many years for checking the spread of immorality in the lodging-house districts.

POLICEWOMEN

The excellent system of surveillance by women officers during the war, with particular attention to Boston Common, brought prominently to public attention the need and opportunity of regular women members of the police force. A few such have been provided. They are, however, considerably restricted in their duties; and those who are interested in this development are by no means satisfied with the situation, even as a beginning. A School of Public Service has been organized partly for the training of women for appropriate police duty, and it is hoped that within a few years there will be such a competent body of candidates as will make it easier both to create and to maintain opportunities for them. In this way progress will be made from a fresh angle against such street solicitation markets as still persist. Responsible women are deeply interested in this new field of civic service, and are determined to work out by patient and intelligent effort the possibilities that can be achieved by a corps of women officers who shall, overlapping as little as may be upon ordinary police functions, provide the full protection of law against the moral dangers that beset girls and young women at every turn in the open life of the city.

EFFECT OF PROHIBITION

Prohibition has largely completed the work of doing away with immoral hotels and cafés. It represents a very important net gain that even though there is the much discussed drinking by way of bravado among young people, the open resorts whose deliberate purpose was to provide all the incitements to immorality have disappeared. A few attempts are being made to keep up cabarets; but since the sale of liquor has disappeared from all such resorts they are not able to provide the kind of incitement which made them attractive as places for the preliminaries to prostitution.[3] It should be said, also, in this connection that the licensing

[3] There is very little association of prostitution with the illicit liquor business; though one sees signs that this may develop. However, the social evil is facilitated rather by wine and beer than by so drastic a drink as bootleg whisky.

board is administering its duties—including the supervision of lodging houses—in a way which, while lacking the aggressiveness in advancing the public welfare that should characterize an administrative authority, is certainly void of offence. This is one of many points at which the achievement of prohibition in destroying the organized political power of the liquor trade is producing marked results.

The so-called "parlor" house has practically entirely disappeared. The background of prostitution is now largely found in the apartment houses in some of the newer parts of the city. A combination of the advertising columns of the papers with the telephone is considerably used to open the way to the knowing; and there is a noticeable amount of solicitation on the main thoroughfare through the apartment house section. But prostitution has certainly lost much of the appeal that can be made through organization and publicity. There is a special police squad which raids such places occasionally; but the situation is difficult to reach, and the risk is apparently not great enough to be a serious deterrent. It is difficult to secure direct evidence under conditions which allow of so much secrecy, and which, in the nature of the case, so often limit even the preliminaries to the violation of the law to the cognizance of the two individuals concerned.

The apartment house does not provide the safeguard to public interests that is secured in the lodging house through the responsible licensed proprietor and manager. In the apartment house the janitor is usually the resident representative of the owner, and the personal conduct of the tenants is a matter over which he cannot and will not exercise control. In the total, the population of an apartment house section is often less attached and less responsible than that of a lodging-house district, and the local sentiment essential to effective policing even less in evidence. Of recent years, small apartments are being increasingly taken by women in twos and threes who formerly lived in lodging houses, including commercial employees in the inferior ranks and an increasing number of students.

For continued violations of law, there is, of course, the abatement act, but it is so unfortunately worded and requires such a succession of evidence that it is hardly available. There is a similar handicap in the wording of the law against idle and disorderly persons which makes it difficult to secure the conviction of persons engaged in street solicitation in the apartment-house region.

AUTOMOBILES

The automobile is increasingly becoming a moral danger as well as a physical one. Offering special facilities for solicitation on the part either of men in the machine or of women on the sidewalk, it can shift the scene quickly to road houses out of town or to isolated places in the open country. The automobile itself, even in the city, is increasingly utilized for immoral relations. The peril of the "joy ride" to girls simply out for adventure is illustrated in not a few tragic cases. It is felt that this general situation is one at which women protective officers could render telling service.

DANCE HALLS

It seems clear that dance halls are not resorted to at present to a large extent by the prostitute. The special evils which they represent come of the free and indiscriminate mingling of young people who would ordinarily maintain quite a range of moral standards. The type of dances and of

music has somewhat improved. But there is still a sad amount of evidence in the rescue homes and in the courts of the train of tragedy which has its start in these resorts. It is also not without very definite psychological significance that as the dance hall closes, women of the street who have not been inside seem to find at its exit one of the surest opportunities of solicitation.

Police are present at all dance halls, but their services are quite perfunctory. Women officers should be on hand, and could do effective work in keeping out objectionable persons, and generally protecting the well-meaning. It has been suggested that known-sex offenders found in dance halls should be arrested; and that the dance halls should close at eleven o'clock.

A representative group, including social workers, public officials, and dance hall proprietors, has been carrying on a series of discussions with regard to the dance hall problem, and have already served to disseminate a sentiment favorable to better standards. Among other things, objectionable forms of dancing are being opposed by attractive presentations of the better way. This committee includes a representative of the high-class hotels, some of whose dances are more objectionable as dances than anything that can be found in the dance halls. And even the incidental evils are likely to be greater where the prohibition law is openly defied by the guests, as is sometimes the case in connection with society balls.

One of the most decisive conclusions in this whole matter is that the contest is between a normally satisfying kind of home life and neighborhood association, on the one hand, and the excitement of the down-town streets on the other. We hesitate before the cost in money and service involved in securing the former, dull to the fact that the latter is still more expensive. The settlement worker sees a parable which poignantly sets forth the principle in the young girls without wholesome background for their lives—and this almost unerringly so—who resort to Boston Common, where they meet the sailor boy with his starved social life. The young girl is going to have her fling—nature decrees it. When she takes the fling will she find herself in a network of neighborhood acquaintance, loyalty, chivalry and surveillance, with discerning and continuous initiative to give the courting period some sort of inspiriting resource? Or is she to cast herself helplessly into the city's down-town moral whirlpool?

THEATRES AND BOOKS

The more or less cynical outsider tells us that Boston audiences crave a low type of theatrical exhibition; but the dramatic censorship, which rests with the mayor's office, is exercised with a considerable degree of vigor, as the political following which may be tolerant of many other things is inclined to be definitely stern about this. Where City Hall lags, there is an active and judicious group of citizens which quite effectively intervenes. The Watch and Ward Society, in addition to keeping up the attack against prostitution and its preliminaries, has worked effectively against pornographic printed matter of all sorts. Its latest achievement, and one of its best, has been the organization of a protective committee of booksellers who endeavor to reach a common-sense basis as to books which they will agree together not to sell. A committee has been formed under the auspices of the society, with Dr. Morton Prince as chairman, to advise as to doubtful publications seeking a general circulation. On the side of specific positive

education, there is the work of the Society for Social Hygiene and that of the state department of health in relation to venereal disease.

In general, at the risk of falling too easily into the self-satisfied Boston attitude, I feel that ten years has brought very substantial progress in the fight against prostitution. Certainly prohibition has secured an indisputable result in reducing all arrests for offences against chastity by nearly one-third; and this result shows itself in the statistics of all our public and private agencies for the care of girls and women. The greatest of all desiderata has always been felt to be the prevention of recruiting for the prostitution ranks. That is being accomplished to a degree which at the beginning of the century would have seemed rather utopian.

OUR LEGISLATIVE MILLS

V. THE LEGISLATIVE PROCESS IN ILLINOIS

The congestion at the close of the session analyzed and explained.

BY LEONARD D. WHITE
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I

MANY features of the general assembly of Illinois suggest themselves for discussion, from among which has been selected an account of the law-making process. The extraordinary congestion of legislation at the end of the session which is characteristic of Illinois is the result of a complex of causes, the complete analysis of which has never been undertaken.[1] This study is a preliminary attempt to illustrate the "end of the session" rush and to point out some of the reasons which appear to contribute to it.

Although cold figures are quite inadequate to picture the closing scenes of a six months' session in which a weary legislature holds continuous meetings for fifty or sixty hours, and records itself in a monotonous and apparently endless series of roll calls on bills read by title by an exhausted clerk, while some members sleep in nearby corridors in order to relieve their fellow legislators during the night, it may nevertheless be proper to begin an analysis of causes by a statistical picture of the result. The following tables (which may be skipped by the judicious reader) indicate the progress made by the general assembly on twenty specified dates, usually at intervals of one week.

In Table I the steadily mounting figures from left to right indicate numerically the progress made from week to week at each stage of procedure. Thus the figures in stage one show the steady introduction of bills and their reference to committee, in stage six the receipt of a bill by one house from the other, in stage ten final passage by the second house.

RATE OF PROGRESS

In order to bring out more clearly the rate of progress, attention should

[1] See, however, the following: Dodd and Dodd, *Government in Illinois*, pp. 131–149; Bogart and Mathews, *The Modern Commonwealth*.

TABLE I

NUMBER OF BILLS HAVING PASSED THROUGH CERTAIN STAGES AT CERTAIN DATES, ILLINOIS GENERAL ASSEMBLY, 1923

(Digest Number).....	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
(Date).....	1–27	2–3	2–10	2–17	2–24	3–10	3–17	3–25	3–31	4–7	4–14	4–21	4–28	5–5	5–12	5–19	5–26	6–2	6–9	6–20
1. Introduction.....	105	176	229	295	376	487	563	681	793	836	952	1,045	1,110	1,166	1,228	1,320	1,366	1,388	1,398	1,404
2. Committee Report...	5	6	8	21	35	72	101	143	209	219	297	357	440	533	630	735	804	871	927	1,403
3. First Reading.....	5	6	7	12	30	48	87	105	163	178	231	288	371	438	527	608	664	705	759	777
4. Second Reading.....	3	4	5	7	18	33	64	81	113	132	187	226	269	314	358	429	475	579	657	686
5. Third Reading.....	..	3	3	6	7	13	14	37	52	69	102	126	157	181	200	246	261	341	426	526
6. Second House Introduction.....	..	3	3	6	7	13	14	29	47	51	74	110	133	165	189	235	248	304	371	483
7. Committee Report...	..	1	3	5	6	7	13	14	24	28	41	55	86	112	150	175	203	231	318	476
8. First Reading.....	..	1	3	3	5	5	8	9	16	17	28	31	53	78	112	140	150	180	247	436
9. Second Reading.....	..	1	1	2	4	5	7	8	11	11	21	28	41	50	79	111	123	146	180	419
10. Third Reading.....	..	..	..	1	3	3	5	6	8	10	14	20	29	33	34	57	62	71	85	380
11. Governor's Action...	..	..	..	..	..	..	3	3	6	7	10	10	21	29	32	41	51	61	62	358

NOTE ON PREPARATION OF TABLE. The *Legislative Synopsis and Digest*, of which twenty numbers appeared during the last session, gives week by week the status of each bill. The normal stages through which a bill passes are eleven:

1. Introduction and reference to committee.
2. Committee Report.
3. First reading.
4. Second reading.
5. Third reading and passage.
6. Introduction in second house and reference to committee.
7. Committee report.
8. First reading.
9. Second reading.
10. Third reading and final passage.
11. Approval or veto by the governor.

These stages are not entirely inclusive; occasionally a bill is referred to two committees, sometimes recalled to an earlier stage, sometimes goes to conference; but substantially the whole work of the Assembly can be compressed into these stages.

This table is made up by analysis of each Digest.

TABLE II

NUMBER OF BILLS HANDLED DURING SPECIFIC PERIODS AT DIFFERENT STAGES, ILLINOIS GENERAL ASSEMBLY, 1923

(Digest Number)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Totals
(Date)	1–27	2–3	2–10	2–17	2–24	3–10	3–17	3–25	3–31	4–7	4–14	4–21	4–28	5–5	5–12	5–19	5–26	6–2	6–9	6–20	
1. Introduction	105	71	53	66	81	111	76	118	112	43	116	93	65	56	62	92	46	22	10	6	1,404
2. Committee Report	5	1	2	13	14	37	29	42	66	10	78	60	83	93	97	95	79	67	56	476	1,403
3. First Reading	5	1	1	5	18	18	39	18	58	15	53	57	83	67	89	81	56	41	54	18	777
4. Second Reading	3	1	1	2	11	15	31	17	32	19	55	39	43	45	44	71	46	104	78	29	686
5. Third Reading	..	3	0	3	1	6	1	23	15	17	33	24	31	24	19	46	15	80	85	100	526
6. Second House Introduction	..	3	0	3	1	6	1	15	18	4	23	36	23	32	24	46	13	56	67	112	483
7. Committee Report	..	1	2	2	1	1	6	1	10	4	13	14	31	26	38	25	28	28	87	158	476
8. First Reading	..	1	2	0	2	0	3	1	7	1	11	3	22	25	34	28	10	30	67	189	436
9. Second Reading	..	1	0	1	2	0	2	1	3	0	10	7	13	9	29	32	12	23	34	239	419
10. Third Reading	..	..	..	1	2	0	2	1	2	2	4	6	9	4	1	23	5	9	14	295	380
11. Governor's Action	..	..	..	..	..	..	3	0	3	1	3	0	11	8	3	9	10	10	1	296	358
(Totals)	118	83	61	95	133	195	193	237	326	116	399	339	414	389	440	548	320	470	553	1,918	7,348 (Grand Total)

be turned to Table II. This table is made up by subtracting digest one from digest two, stage by stage, and gives, therefore, the exact number of bills moved along at each stage during any specified period. Thus during the interval covered by the second digest, 71 bills were introduced, one was reported from committee, one was given first reading, and so on. The vertical totals give week by week the number of moves made all along the line; thus during the interval covered by the ninth digest, 326 moves were made, while during the interval covered by the third digest only 61 moves were made. The horizontal totals give the total number of bills which passed through any given stage; thus 1,404 bills were introduced in the two houses, 380 went through the stage of final reading in the second house, of which 358 were passed and sent to the governor for approval or disapproval.

WHAT THE TABLES SHOW

Certain facts appear from consideration of these tables.

1. The peak loads stage by stage are approximately

Stage 1.....March 20–30
Stage 2–3.....May 7–19
Stage 4.....May 14–June 9
Stage 5–6.....May 29–June 20
Stage 7–10.....June 11–June 20
Stage 11.....June 20–June 30

This indicates a steady accumulation of business toward the end of the session.

2. Bills were introduced without any appreciable slackening until May 19, or throughout five of the six months of the session.

3. Each house was primarily occupied with its own bills until June 5, the twenty-second week of the session. No substantial number of bills passed from one house to the other until the

week ending April 14, following which from ten to twenty bills were received by each house from the other.

4. No substantial number of bills passed the stage of second reading in the second house (stage 9) until the week ending May 12, the nineteenth week of the session.

5. The latter stages of the legislative process were very seriously crowded into nine legislative days commencing June 11. Of the bills that reached the second reading stage (stage 9), 239 were dealt with from June 11 to June 20, or 56 per cent; of 380 bills that reached third reading stage (stage 10), 295 were dealt with from June 11, or 77 per cent; and of 358 bills presented to the governor, 296 were dealt with from June 11, or 82 per cent. As the result of the work of the first 16 weeks, ten bills were sent to the governor; during the last nine days 296 bills were sent to him. From June 11 to June 20, a period of nine working days, 476 bills were killed, 100 bills were given final passage in the house of their origin, and 296 bills were sent to the governor. Forty per cent of the total movement of legislation came in the month of June.

6. The monthly record of final passage of legislation (stage 10) by the two houses throws further light on the same situation.

Month	*Bills passed*
February	3
March	5
April	21
May	33
June	318

This table indicates that from January to June, 62 bills were enacted, while from June 1 to June 20, 318 bills went through the assembly.

7. The daily record of final passage emphasizes the same point.

	Bills
June 12	10
13	4
14	28
15	62
16	10
18	39
19	133

The general conclusions to be drawn from this evidence, which is typical of Illinois, is that on the whole the Illinois general assembly does the work of general consideration of legislation in a leisurely fashion during an extended period running from January to about the first of June; whereupon it enters upon a period of making decisions in rapid succession, operating under considerable pressure of time and usually finally forced to enact legislation by wholesale with only the slightest regard for due consideration and sometimes with only a very hazy notion of what actually has taken place. During the notorious end of the session rush of 1921 it was charged without contradiction that over a hundred items which had never been considered by either house before were inserted by a conference committee in a general appropriation act. By rule adopted in 1923, a repetition of this scandal is made impossible.

II

Of more interest than the statement of results is the inquiry about causes. Why do the citizens of Illinois view with each succeeding general assembly a recurrence of this unstatesmanlike way of doing public business? No single answer can be given to this question, for many causes seem to be at work. To some of these attention will be directed in the following paragraphs.

WHY THE DELAY?

By way of elimination it may be said at the outset that the delay of

legislation is not due to absenteeism, as the record of attendance is on the whole good; nor is it due to closely contested party conflicts, since the Republican party usually has a large working majority; nor is it due to excessive debate or filibustering. Neither can it be said that delay is due to a low standard of individual achievement among members, for while many members are inconspicuous, yet many able men sit in the general assembly.

Nearly a month is consumed in making up the committees. This task devolves upon the speaker individually, who after his election makes a request of members for an indication of their preference for committee assignments. These are slow in coming in; and once in, usually present a difficult job in trying to satisfy the ambition of every member. Usually every member of the majority party secures a committee chairmanship in the senate; if there is a dearth of committees, new ones are created. Much of this delay might be obviated by definitely charging the party leaders in a newly elected assembly with the duty of making preliminary inquiries and assignments before the opening of the session.

The committees are large and difficult to adjust to the needs of dispatch. Quorums are not always easy to get together, chairmen are sometimes lax, or sometimes fail to call committees in order to block a bill personally objectionable; overlapping membership makes conflicts difficult to avoid except by frequent delay and postponement. The distribution of work among committees is extremely uneven. Some committees have almost nothing to do; other committees consider hundreds of bills. In all, 797 bills were referred to house committees in 1923. The judiciary committee handled 241, the appropriations committee 104, the committee on municipalities 57, on education 52, a total of 454. That is, four committees handled over one half the work. On the other hand, the committee on civil service received 9, the committee on banks 8, on charities 4, and on military affairs 4, a total of 25.

The legislature meets during the most of the session for only two working days. Travelling to Springfield on Tuesday, the members work Wednesday and Thursday morning, adjourning in time to catch the noon train to their respective homes or offices. These dilettante habits, accentuated by occasional tours of inspection, give way in June to an iron determination to plow through the necessary legislation by the date of final adjournment.

There is a wholly inexcusable delay in presentation of matter for consideration. Examination of stage one indicates a steady flow of new propositions from January to June. For this members are in part responsible; occasionally undesirable legislation is withheld until the end of the session, when it is hastily introduced and quietly pressed through in the final rush. A substantial part of the responsibility, however, falls on the various interests and civic groups which are really responsible for much of the legislation introduced. Their programs are incomplete and crystallize frequently well along in the session, rather than at the beginning of the session.

FACTIONAL—NOT PARTY—DISPUTES

A substantial retardation of the legislative process is caused by factional disputes. The dominant party in Illinois is divided into three factions, feeling between which at times runs high. These factional quarrels consume much time and energy in themselves, tend to divert the attention of

the legislature from its real task, and not infrequently cause the defeat of meritorious legislation put forward by some one group. During the present session these factional disagreements have been responsible in part for an attempt to impeach the governor, for much unwarranted influence exerted in the legislative chambers by the governor, for the vigorous use of the veto power against appropriations and legislation favoring hostile camps and for fastening upon one house a control which probably was not desired by the majority.

Of greater importance in the long run are certain deep-seated differences of opinion among legislators concerning the wisdom of important matters of legislation. Bills providing an eight-hour working day for women in certain industries have been presented to the last two general assemblies, and have revealed wide divergencies of opinion, each supported by strongly organized interests. Long committee hearings (picturesquely referred to as field days), extended debates, and much parliamentary manœuvering have so far failed to secure any decision. The enforcement of the eighteenth amendment divides the legislature into a sharply defined majority and minority. The organization of a state police has projected an inconclusive struggle between organized labor and organized capital. The real or fancied divergence of interest between Chicago and down state, a matter which came to dominate the recent constitutional convention, appears in the work of the legislature. The difference of opinion between conservatives and liberals in the matter of the method of amending the state constitution furnishes still further matter of controversy. In short, as in most legislatures, there are fundamental differences of opinion which necessarily make progress slow.

A feeling is more or less widespread among members of the general assembly that their bills have a more favorable chance if brought up for final disposition well toward the end of the session. This contributes materially to the congestion of business. This attitude is said also to be characteristic of the older members of the general assembly although in their case from a different angle. In the general excitement and turmoil of the last few days they are able with their command of parliamentary procedure and their unseen control of the legislative machinery, arising from their familiarity with its operation, to dictate what legislation shall go through and what shall be blocked.

NO ORGANIZED LEADERSHIP

Finally may be observed a general lack of well-organized leadership within the assembly. The governor has from time to time supplied what the legislature failed to produce in the matter of leadership; thus Governor Lowden from 1917 to 1921, and Governor Small during the session of 1921. This leadership is not, however, always forthcoming and has never been adequate to correct the tendencies to drift which seem to predominate. The lieutenant governor as presiding officer of the senate has been quite ineffective; the speaker of the house, on the other hand, has been able to forward business and within limits to guide the house. Too much depends on the accident of factional combination in selecting the speaker and on the personal qualities of the man to insure adequate leadership from session to session.

An attempt was made in December, 1922, to get together a group of anti-Small Republican senators to take control of the senate. Although a sufficient number was at one time in

accord, their ranks were soon broken and the senate organization fell into the hands of the Small faction. The caucus is not a means of unifying party leadership in Illinois, and indeed the party as an organization outside of the legislature exerts little influence.

No systematic or comprehensive program of legislation is ever laid before the general assembly. Legislation is considered piecemeal, without any related sequences, in no logical order, and in no significant chronological order. Each member introduces whatever bills he has prepared, or for which he is willing to become responsible. The bill goes to a committee, which thereupon becomes master of its fate until it has been reported out to the house. The member who introduced it then resumes charge of the bill and undertakes to secure its passage through the house. If successful the bill goes to the other house and the member must resign himself to watch with patience the decision of another committee and the personal efforts of another member to carry the bill through the second house. If finally successful the hazard of the governor's veto remains.

The success or failure of the bill depends in part on its merit, more often on the pertinacity, popularity, or skill in negotiation possessed by its sponsor. He may be blocked by faction or his own ineptitude or by the opposition of the governor; but he can appeal to no organized leadership for assistance. There is no time limit on the committees; they may report at any time during the session and as a matter of fact some hundreds of bills are always laid on the table at the end of a session without any report. Unless the member responsible for the introduction of the bill urges committee action, the bill probably will lie undisturbed throughout the session; and even though he urges action, the committee may fail to respond.

In the matter of financial legislation recent statutes have evolved definite responsibilities. An executive budget is drawn up for the governor by the director of finance and sent to the appropriations committee, the chairman of which has built up an effective personal leadership in finance matters. This is reflected in the history of the various appropriation bills of the recent session, of which seven were carried through the house in March, twelve in April, thirteen in May, and nine in the early days of June. Making due exception for the work of the appropriations committee, it remains true that on the whole the state legislature is leaderless; and deprived of energetic direction it tends to drift until it finally comes to a day of reckoning. The accounts are then balanced by feverish activity combined with a minimum of consideration.

III

GENERAL RESULTS

Some of the results of the legislative process in Illinois may be suggested in conclusion. Omitting to speak of the considerable physical and mental strain which members impose upon themselves and the undignified and sometimes unworthy scenes which accompany the final hours of the session, we may turn attention to some of the more general results. The congestion of legislation described above necessarily leads to lack of proper consideration of measures some of which make their first appearance only in the last week or ten days; civic organizations, the public, have no opportunity to learn what is transpiring and consequently are unable to make their voices heard. There develops an admirable opportunity for deception of the mem-

bers themselves, who are frequently seen rushing about to find someone who will tell them how to vote. It is said that not more than three persons really knew what was in the Chicago charter enacted by the Illinois Assembly of 1907.

The situation lends itself to manipulation. It likewise lends itself to control by the old-timer, who knows the parliamentary game, who keeps his head and who senses the feeling of the assembly in a way quite impossible to the "green" member. At this time are discovered the possibilities of the conference committee whose report, delivered at the last moment, is never understood by a majority of those voting on it.

The governor's desk is swamped with bills awaiting his signature. Governor Small had over two hundred to deal with in the last two weeks of the recent session, requiring him to give consideration to nearly twenty per day. In Illinois the new legislation normally takes effect on July first; the great bulk of it is approved by the governor in the week immediately preceding; and the citizen finds himself in the awkard situation of being subject to the penalties of a statute the publication of which is still a matter of two months in the future.

COMMENTARY UPON THE COMPARATIVE TAX RATES OF 177 CITIES, 1923

BY C. E. RIGHTOR

Detroit Bureau of Governmental Research

One year ago (December, 1922) the "Review" published a tabulation of the 1922 tax rates of 32 cities in the United States and Canada, giving the rates in detail by purpose and the total rate adjusted upon a uniform basis for comparison.

This year, the Detroit Bureau of Governmental Research, in collecting and tabulating the 1923 tax rates, has expanded the list to include 165 cities of the United States and 12 cities of Canada having in excess of 30,000 population. :: :: :: :: :: :: :: ::

The tabulation was prepared upon the same basis as in previous years. The primary purpose is to make available a statement of the total tax burden upon property in each city, expressing that burden in tax rates per $1,000 of uniformly assessed property. The subject is of particular interest at a time when popular impression is that contributions toward the support of our local governmental units are an unduly heavy drain upon both individual and business.

To arrive at a comparable basis for all cities, it was necessary to adjust the given rates to a uniform 100 per cent basis, due to varying legal bases in some states; further adjusting according to the estimated practical application of the legal basis. Within the five groups of cities recognized by the census bureau, the cities were then ranked according to the amount of the tax burden so ascertained.

The resulting rates should afford a basis of comparison, particularly

among similarly sized cities, while a detailed analysis of certain rates should prove salutary for many cities. The end sought seems a direct and simple one, yet the compilation of the figures belies the assumption.

In general, it is well to paraphrase the adage: "A little knowledge—of tax rates—is a dangerous thing." The entire table contains warnings to interpret the figures with understanding and use them with caution. In each phase of the compilation, distinct problems and conditions arise to affect the final figures.

TAX-LEVYING DISTRICTS

First, there is the problem of the diversity in taxing units, each with its own fiscal period and tax-levying and collecting time.

A city's fiscal period begins at a certain date, while the other subdivisions may have different fiscal periods. Because the city is the predominant unit, usually with the highest rate and of most direct concern to the citizen, its fiscal year governs in the tabulation. It is essential, however, that the tax-collecting period for the year 1923 should begin prior to September 1, in order that the figures represent the tax burden during the current year. The rates for the other political units are entered for their fiscal period that best expresses the 1923 burden.

In some cases the city is the taxing unit for both the municipality and the schools, as in Massachusetts and New York. It is then difficult to get the split of the rate for the two purposes, although this might easily be furnished upon the basis of budget requests. Again, schools may be allotted a percentage of all municipal revenues, as in Atlanta, when the separate rates must be estimated. Frequently, the county and state levies are combined, although division of the rates should be possible also upon the budget basis.

Taxes are occasionally collectable prior to the year they are to finance, but more often from one to eighteen months after. Many Massachusetts cities collect taxes when the fiscal year is nearly expired, with the result that at the beginning of each year the fiscal officer is authorized to borrow on short-term loans in anticipation of taxes, the discount on such rates in 1922 in one city of 40,000 amounting to $22,000. Hamilton, Ontario, is an extreme case of delayed collection.

There is a variation in the number of governmental units property in different cities is called upon to support. This is evident from the table and notes accompanying it. As examples, Pennsylvania and California have no state property tax, and Rhode Island has no counties. Virginia cities are outside the boundaries of counties. Whether these reliefs from governmental machinery result in financial relief to the taxpayer is a problem meriting consideration.

CLASSIFICATION OF PROPERTY

A second factor affecting the total tax rate is the tendency to classify property.

Not in all cases reported in the table can the total tax budget be ascertained by applying the rate to the assessed valuation. This is due to the fact that realty is taxed at one rate, while personalty may be taxed at a lower rate. Further, there is in some instances an effective, and in others a permissive, reduction from the general realty rate for buildings, while land continues to bear the full rate. In the case of personalty, intangible property may enjoy a substantially lower rate than tangibles. These gradations are, of course, effective as the result of extensive experimenting in municipal

taxation, both in United States and Canada. Philadelphia, Baltimore, Pittsburgh, Duluth, and Calgary offer a field of study in this matter. The first two cities named continue to recognize different rates for what are termed urban, surburban and rural properties. New York City exempts certain residential construction for a term of years, while Pittsburgh taxes buildings at a percentage of the rate on land.

PERSONAL PROPERTY ASSESSMENTS

There is a wide variation in the proportion of personal property reported in the assessed valuation of cities.

This circumstance is accounted for in part by the classification for taxing purposes, lower rates tending to bring out the personal property, but it depends also in part upon the local methods of assessing. The New York cities report a personal assessment of less than one per cent, due to the substitution of the income tax for the property tax on this form of wealth. Some cities are enabled to report a considerable assessment of this class because the state has not extensively appropriated this source of taxation to itself.

It seems possible that the Ohio cities have run their personalty high in order to counteract the handicap of an unduly restrictive tax limit law. This brings to mind the conclusion of Lawson Purdy, former president of the New York Department of Taxes and Assessments: "The easiest, safest way to amend a constitution that limits the power of taxation is to take out all the limitations. Amend with a blue pencil."

TRUE VALUE IN ASSESSING

As a general proposition, we are hypocrites in the matter of assessing at "true cash value." The constitution of most states calls for this basis of assessment, and public officials are loathe to report any deviation in practice.

The wide range of estimates from the various cities, however, indicates that the application of the constitutional provision is seldom observed. Yet more or less serious attempts are being made to adhere to the standard, and no general average may be fairly applied to all cities. Cities subject only to local taxation can afford to apply the law more rigidly than those having a state and county tax. Growing cities hard pressed for additional taxing or bonding margins may enforce the law in this respect. It is difficult for large cities to keep abresat of current market values.

Affirmed honesty in applying true cash values, for example, places the New Jersey cities well above the average. Dallas, on the other hand, concedes an unusually low basis. Failure to reassess currently affects satisfactory compliance with the legal standard,—Dayton, for example, reports having had no general reappraisal since 1910. Here indeed is one index to the efficacy of the assessing procedure in any city.

THE RANGE IN FINAL RATES

The figures speak for themselves in respect to the range from high to low rates as adjusted for comparative purposes. The highest rate reported is for Pontiac, $46.92, while Birmingham is lowest with a rate of $11. The average rate for all cities is $25.

Assuming the accuracy of the high rates shown in the table, the question arises, What is the maximum tax rate on property? May we expect local governments to increase the annual exactions from the prevailing 2.5 per cent to as high as 4 per cent?

The story of good government to-

COMPARATIVE TAX RATES FOR 177 CITIES OVER 30,000 FOR 1923

COMPILED BY THE DETROIT BUREAU OF GOVERNMENTAL RESEARCH, INC.

From Data Furnished by Members of the Governmental Research Conference, City Officials, and Chambers of Commerce

	Census Jan 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group I Population, 500,000 and over																	
1. New York, N. Y.[1]	5,620,048	$10,812,650,923	98	2	Jan. 1	May 1 Nov. 1	$12.73	$5.90	$6.98	$0.82	$0.97	$27.40	100	$27.40	94	$25.76	4
2. Chicago, Ill.[2]	2,701,705	1,666,241,773	77	23	Jan. 1, '22	Jan. 2	37.90	27.70	....	7.30	4.50	77.40	50	38.70	75	29.02	1
3. Philadelphia, Pa.[3]	1,823,779	3,044,231,051	76	24	Jan. 1	Jan. 25	17.50	9.50	....	....	....	27.00	100	27.00	90	24.30	6
4. Detroit, Mich.[4]	993,678	2,109,989,410	76	24	July 1	July 15	16.92	5.55	....	2.27	2.88	27.62	100	27.62	80	22.10	9
5. Cleveland, Ohio[5]	796,841	1,569,306,730	63	37	Jan. 1	Dec. 15, '22 June 15, '23	7.15	5.20	6.81	1.56	4.18	24.90	100	24.90	80	19.92	10
6. St. Louis, Mo.[6]	772,897	984,261,880	85	15	Apr. 1, '22	Oct. 1–Dec. 31, '22	12.70	8.80	2.20	....	1.30	25.00	100	25.00	90	22.50	8
7. Boston, Mass.[7]	748,060	1,677,861,744	90	10	Feb. 1, '22	Nov. 1, '22	12.33	8.04	....	1.49	2.84	24.70	100	24.70	100	24.70	5
8. Baltimore, Md.[8]	733,826	1,304,418,812	66	34	Jan. 1	Jan. 1	29.70	....	....	....	....	29.70	100	29.70	80	23.76	7
9. Pittsburgh, Pa.	588,343	928,864,800	100	..	Jan. 1	Jan. 1	16.00	11.50	....	4.75	....	32.25	100	32.25	85	27.41	2
10. Los Angeles, Calif.[9]	576,673	996,938,610	..	..	July 1	Oct. 1	16.50	16.30	....	6.80	....	39.60	100	39.60	50	19.80	11
11. Buffalo, N. Y.[10]	506,775	722,445,290	75	25	July 1	July 1	26.84	....	....	....	5.47	32.31	100	32.31	80	25.85	3
12. San Francisco, Calif.[11]	506,676	615,315,097	83	17	July 1, '22	Oct., '22 Jan., '23	21.11	6.45	7.14	....	....	34.70	100	34.70	50	17.35	12
Group II Population, 300,000 to 500,000																	
13. Milwaukee, Wis.	457,147	677,070,755	77	23	Jan. 1	Dec. 1, '22– Jan. 31, '23	10.66	8.11	3.85	4.77	1.79	29.18	100	29.18	85	24.80	4
14. Washington, D. C.[12]	437,571	928,521,808	50	50	July 1, '22	Nov., '22 May, '23	18.20	....	....	....	....	18.20	67	12.19	100	12.19	7
15. Newark, N. J.	414,524	578,971,103	80	20	Jan. 1	Apr. 15 Dec. 1	14.31	9.76	4.36	5.23	3.94	37.60	100	37.60	100	37.60	1
16. Cincinnati, Ohio[13]	401,247	739,997,200	70	30	Jan. 1	June Dec.	5.36	6.21	5.48	1.52	4.17	22.74	100	22.74	100	22.74	6
17. Minneapolis, Minn.[14]	380,582	804,698,450	68	32	Jan. 1	Jan. 1	54.40	....	....	6.75	4.13	65.28	38	24.86	100	24.86	3
18. Kansas City, Mo.[15]	324,410	570,000,000	68	32	Apr. 16	June 1	10.57	11.50	....	4.30	1.00	27.37	100	27.37	85	23.26	5
19. Seattle, Wash.[16]	315,312	232,851,469	85	15	Jan. 1	May 31 Nov. 30	27.87	14.16	....	12.69	13.41	68.13	50	34.07	96	32.70	2
Group III Population, 100,000 to 300,000																	
20. Rochester, N. Y.[17]	295,750	378,742,863	100	..	Jan. 1	May 1	12.33	12.47	3.64	3.79	1.40	33.63	100	33.63	80	26.91	14
21. Portland, Ore.[18]	258,288	295,925,345	83	17	Dec. 1, '22	Apr. 5 Oct. 5	17.10	10.60	....	8.10	9.40	45.20	100	45.20	60	27.12	12
22. Denver, Colo.	256,491	377,025,300	65	35	Jan. 1	Jan. 1	8.85	11.79	....	2.51	4.48	27.63	100	27.63	80	22.10	27
23. Toledo, Ohio[19]	243,164	458,532,640	68	32	Jan. 1	Dec., '22 June, '23	4.39	5.10	5.84	2.70	4.17	22.20	100	22.20	80	17.76	13

24. Providence, R. I.[20]	237,595	$510,227,750	77	23	Oct. 1, '22	Oct. 1, '22	$15.16	$6.37	....	....	$1.47	$23.00	100	$23.00	100	$23.00	24
25. Columbus, Ohio[13]	237,031	381,075,370	65	35	Jan. 1	Dec. 20, '22 / June 30, '23	9.50	7.60	....	$4.23	4.17	25.50	100	25.50	75	19.13	32
26. Louisville, Ky.	234,891	264,000,000	71	29	Sept. 1, '22	Jan. 15	14.00	6.00	....	4.00	4.50	28.50	100	28.50	100	28.50	7
27. St. Paul, Minn.	234,698	475,351,367	61	39	Jan. 1.	Jan. 1	23.66	17.78	$7.16	8.77	4.13	61.50	38	23.37	100	23.37	23
28. Oakland, Calif.	216,261	194,151,400	82	18	July 1	Sept.	18.80	17.35	5.35	8.60	....	50.10	100	50.10	60	30.06	2
29. Akron, Ohio[13]	208,435	317,816,080	64	36	Jan. 1	Dec., '22 / July, '23	10.00	7.45	....	3.18	4.17	24.80	100	24.80	65	16.12	36
30. Atlanta, Ga.[21]	200,616	293,000,000	71	29	Jan. 1	May–Oct.	8.40	6.60	....	10.00	5.00	30.00	100	30.00	70	21.00	29
31. Omaha, Nebr.[22]	191,601	327,212,218	67	33	Jan. 1	May 1	10.26	12.00	....	3.60	2.30	28.16	100	28.16	80	22.53	26
32. Worcester, Mass.	179,754	270,328,550	84	16	Dec. 1, '22	Oct., '23	15.52	7.99	....	1.24	2.05	26.80	100	26.80	85	22.78	25
33. Birmingham, Ala.[23]	178,806	144,151,226	78	22	Oct. 1, '22	Oct. 1, '22	10.00	5.00	....	11.50	6.50	33.00	60	19.80	55	11.00	40
34. Richmond, Va.[24]	171,667	299,353,263	60	40	Feb. 1	June / Dec.	12.00	7.50	1.50	....	2.50	23.50	100	23.50	67	15.67	37
35. New Haven, Conn.[25]	162,537	247,053,215	84	16	Jan. 1	Jan. 1	14.00	10.00	....	....	1.00	25.00	100	25.00	80	20.00	30
36. San Antonio, Tex.	161,379	240,023,786	74	26	June 1, '22	Apr., '23	12.00	6.00	4.00	6.20	7.50	35.70	100	35.70	75	26.78	15
37. Dallas, Tex.	158,976	195,193,800	65	35	May 1	June 15	15.01	9.29	....	7.50	9.40	41.20	100	41.20	36	14.83	38
38. Dayton, Ohio[26]	152,559	231,373,170	59	41	Jan. 1	Dec., '22 / June, '23	12.89	7.31	....	4.63	4.17	29.00	100	29.00	60	17.40	34
39. Bridgeport, Conn.	143,555	236,657,744	75	25	Apr. 1	Apr. 1 / Sept. 1	17.52	9.96	....	.38	1.34	29.20	100	29.20	100	29.20	4
40. Houston, Tex.	138,276	200,000,000	82	18	Jan. 1	Jan. 1	11.75	7.80	6.50	8.30	9.40	43.75	100	43.75	60	26.25	17
41. Hartford, Conn.	138,036	401,874,400	63	37	Apr. 1	July 1	16.00	5.00	....	2.60	8.00	31.60	100	31.60	80	25.28	20
42. Scranton, Pa.	137,783	107,772,215	100	..	Jan. 1	Jan. 1	15.90	16.00	....	6.25	....	38.15	100	38.15	80	30.52	1
43. Grand Rapids, Mich.	137,634	210,556,986	69	31	July 1	July 1	10.19	11.36	....	3.14	3.25	27.94	100	27.94	100	27.94	10
44. Paterson, N. J.	135,875	159,714,129	..	..	June 1	June	23.14	2.49	....	4.02	.25	29.90	100	29.90	100	29.90	3
45. Youngstown, Ohio	132,358	322,563,750	78	22	Jan. 1	Dec., '22 / June, '23	5.40	4.63	....	3.40	4.17	17.60	100	17.60	80	14.08	39
46. Springfield, Mass.	129,614	244,464,577	86	14	Dec. 1, '21	Oct. 15, '22	16.83	8.67	....	.84	1.86	28.20	100	28.20	100	28.20	8
47. Des Moines, Iowa	126,468	214,948,200	76	24	Apr. 1	May 1	13.65	15.97	....	6.50	2.75	38.87	100	38.87	75	29.15	5
48. New Bedford, Mass.	121,217	200,964,491	58	42	Dec. 1, '21	Oct. 15, '22	11.57	5.10	7.99	1.01	2.53	28.20	100	28.20	100	28.20	9
49. Fall River, Mass.	120,485	187,880,700	58	42	Jan. 1	Jan.–Nov.	22.92	....	....	.98	2.10	26.00	100	26.00	100	26.00	18
50. Trenton, N. J.	119,289	137,263,001	82	18	Jan. 1	Jan. 1	16.00	9.78	....	4.97	1.45	32.20	100	32.20	80	25.76	19
51. Salt Lake City, Utah	118,110	188,536,892	72	28	Jan. 1, '22	Sept. 18, '22	11.40	13.80	....	4.40	2.40	31.20	100	31.20	80	24.96	2
52. Camden, N. J.	116,309	141,653,495	88	12	Jan. 1	June 1 / Dec. 1	11.50	8.31	....	3.93	3.72	27.50	100	27.50	100	27.50	11
53. Norfolk, Va.	115,777	161,261,957	76	24	Jan. 1, '22	Nov. 15, '22	22.50	....	....	....	2.50	25.00	100	25.00	67	16.67	35
54. Albany, N. Y.	113,344	119,242,410	99	1	Jan. 1	Jan. 1	24.30	....	....	....	7.20	31.50	100	31.50	77	24.26	22
55. Wilmington, Del.	110,168	118,980,425	100	..	July 1	July 1	16.00	3.00	....	7.50	2.50	29.00	100	29.00	100	29.00	6
56. Reading, Pa.	107,784	101,223,353	100	..	Jan. 1	Mar. 1	10.50	10.00	....	4.00	....	24.50	100	24.50	90	22 05	28
57. Fort Worth, Tex.	106,482	131,603,000	..	..	July 1, '22	Oct. 1, '22	22.00	....	....	9.50	7.50	39.00	100	39.00	50	19.50	31
58. Spokane, Wash.	104,437	82,518,812	87	13	Jan. 1	Feb. 5	18.00	15.00	....	12.29	14.71	60.00	50	30.00	90	27.00	13
59. Yonkers, N. Y.	100,176	198,415,365	98	2	Jan. 1	Mar. 27	8.98	10.66	5.60	3.76	1.40	30.40	100	30.40	87	26.45	16
Group IV Population, 50,000 to 100,000																	
60. Duluth, Minn.	98,917	76,140,590	72	28	Jan. 1	Jan. 1	21.28	22.17	....	10.32	4.13	57.90	38	22.00	80	17.60	4
61. Utica, N. Y.	94,156	108,684,755	100	..	Jan. 1	Aug. 1	8.86	13.43	....	10.87	....	33.16	100	33.16	85	28.19	31
62. Erie, Pa.	93,372	115,454,613	..	..	Jan. 1	Jan. 1	12.20	14.00	....	7.00	....	33.20	100	33.20	80	26.56	26
63. Somerville, Mass.	93,091	88,158,139	91	9	Jan. 1, '22	Oct. 15, '22	18.54	7.11	....	1.07	3.88	30.60	100	30.60	100	30.60	35
64. Flint, Mich.	91,599	140,843,900	77	23	Mar. 1	July / Dec.	13.05	11.45	....	6.08	3.26	33.84	100	33.84	80	27.07	28
65. Jacksonville, Fla.	91,588	72,960,880	85	15	Jan. 1, '22	Nov. 1, '22	20.90	6.00	....	25.25	10.63	62.78	100	62.78	50	31.39	36
66. Oklahoma City, Okla.	91,295	112,000,000	80	20	July 1, '22	Jan. 1, '23	9.90	15.30	5.00	8.70	.50	39.40	100	39.40	80	31.52	37

COMPARATIVE TAX RATES FOR 177 CITIES OVER 30,000 FOR 1923—*Continued*

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group IV (continued) Population 50,000 to 100,000																	
67. Schenectady, N. Y.	88,723	$77,618,258	95	5	Jan. 1	July 1	$24.36	$18.80	....	$7.92	....	$51.08	100	$51.08	67	$34.05	43
68. Canton, Ohio	87,091	145,573,900	67	33	Jan. 1	June Dec.	4.05	8.80	$5.47	3.30	$4.18	25.80	100	25.80	60	15.48	3
69. Evansville, Ind.	85,264	120,105,930	80	20	Jan. 1	May 1 Nov. 1	9.70	9.00	....	5.00	2.70	26.40	100	26.40	100	26.40	25
70. Savannah, Ga.	83,252	76,079,720	69	31	Jan. 1	Apr. 1	16.67	5.00	....	12.50	5.00	39.17	100	39.17	60	23.50	18
71. Manchester, N. H.	78,384	114,597 852	81	19	Apr. 1	Sept. 1	12.14	4.72	2.54	1.86	2.24	23.50	100	23.50	100	23.50	19
72. St. Joseph, Mo.	77,939	78,706,910	69	31	Apr. 16	May 5	10.00	11.75	2.00	8.75	1.00	33.50	100	33.50	60	20.10	10
73. Peoria, Ill.	76,121	77,001,470	73.5	26.5	Jan. 1	Jan. 1	25.90	27.00	....	8.40	4.50	65.80	50	32.90	100	32.90	41
74. Harrisburg, Pa.	75,917	67,492,540	100	.. .	Jan. 1	May 1	13.00	17.00	....	6.00	....	36.00	100	36.00	67	24.00	21
75. San Diego, Calif.	74,683	108,246,590	94.5	5.5	Jan. 1	June 1	20.00	16.80	....	27.10	....	63.90	100	63.90	50	31.95	39
76. Wichita, Kans.	72,217	107,890,597	70	30	Jan. 1, '22	Nov. 1, '22	9.20	15.00	....	3.34	1.66	29.20	100	29.20	90	26.28	24
77. Sioux City, Iowa	71,227	23,806,352	76	24	Apr. 1, '23	Jan. 1, '23	48.00	66.60	....	21.90	11.50	148.00	25	37.00	65	24.05	22
78. South Bend, Ind.	70,983	150,384,230	58	42	Jan. 1	May Nov.	7.83	10.70	....	4.67	2.70	25.90	100	25.90	70	18.13	5
79. Portland, Me.	69,272	104,244,675	69	31	Jan. 1	Aug. 1	15.86	7.63	2.53	1.37	6.61	34.00	100	34.00	65	22.10	10
80. Hoboken, N. J.	68,166	88 257,300	87	13	Jan. 1	June 1	31.14	....	.56	6.32	3.76	41.78	100	41.78	90	37.60	46
81. Binghamton, N. Y.	66,800	66,722,419	99	1	Jan. 1	Jan. 1 July 1	29.30	....	....	8.50	....	37.80	100	37.80	78	29.48	31
82. Brockton, Mass.	66,254	65,426,600	84	16	Dec. 1	Oct. 15	25.93	8.70	....	1.36	1.81	37.80	100	37.80	80	30.24	34
83. Terre Haute, Ind.	66,083	86,407,120	75	25	Jan. 1	May 1 Nov. 1	11.15	14.60	6.00	7.37	3.00	42.12	100	42.12	90	37.90	47
84. Sacramento, Calif.	65,908	81,742,720	85	15	Jan. 1, '22	Oct. 15, '22	12.43	24.08	5.37	7.52	....	49.40	100	49.40	72	35.57	45
85. Rockford, Ill.	65,651	43,377,704	65	35	Jan. 1, '22	Jan. 1, '23	18.30	24.60	1.30	17.20	4.50	65.90	50	32.95	87	28.67	30
86. Passaic, N. J.	63,841	79,024,808	75	25	Jan. 1	June 1 Dec. 1	25.29	2.50	....	3.68	.43	31.90	100	31.90	100	31.90	38
87. Saginaw, Mich.	61,903	86,462,417	77	23	July 1	July 1	12.39	11.94	....	6.77	2.98	34.08	100	34.08	100	34.08	44
88. Springfield, Ohio	60,840	91,252,050	65	35	Jan. 1	June Dec.	3.70	5.00	3.55	3.25	2.95	18.60	100	18.60	100	18.60	6
89. Holyoke, Mass.	60,203	95,176,520	77	23	Dec. 1, '22	Oct. 15, '22	11.00	7.90	2.66	.91	2.03	24.50	100	24.50	100	24.50	23
90. New Britain, Conn.[27]	59,316	93,378,649	79	21	Apr. 1	July 1	11.38	10.98	....	1.14	....	23.50	100	23.50	84	19.74	8
91. Springfield, Ill.	59,183	74,562,877	61	39	Mar. 1, '22	Jan. 1, '23	23.50	20.00	11.70	5.80	5.60	66.60	50	33.30	67	22.20	14
92. Racine, Wis.	58,593	79,698,249	78	22	Jan. 1, '22	Jan. 1, '23	13.00	9.29	....	6.43	....	28.72	100	28.72	78	22.40	16
93. Lansing, Mich.	57,327	130,295,418	72	28	May 1	July 15	8.47	8.95	....	2.29	2.63	22.34	100	22.34	100	22.34	15
94. Davenport, Iowa	56,727	34,496,695	82	18	Apr. 1, '22	Sept. 1, '22	27.00	32.45	....	11.42	5.63	76.50	50	38.25	70	26.78	27
95. Wheeling, W. Va.	56,208	110,422,242	73	27	Nov. 1, '22	Nov. 1, '22	7.34	7.30	....	5.00	1.40	21.04	100	21.04	100	21.04	12
96. Berkeley, Calif.	56,036	63,075,721	75	25	July 1, '22	Oct. 15, '22	11.40	26.43	....	8.97	....	46.80	100	46.80	70	32.76	40
97. Long Beach, Calif.	55,593	105,076,735	70	30	Mar. 1, '22	Oct. 15, '22	11.70	18.80	1.90	8.30	....	40.70	100	40.70	70	28.49	29
98. Lincoln, Nebr.	54,948	93,468,600	69	31	Sept. 1, '22	Oct. 1, '22	7.75	13.26	....	1.64	2.30	24.95	100	24.95	80	19.96	9
99. Augusta, Ga.	52,548	46,000,000	75	25	Jan. 1, '22	Oct. 1, '22	19.00	11.00	....	6.40	5.00	41.40	100	41.40	50	20.70	11
100. Tampa, Fla.	51,608	38,128,944	76	24	June 1, '22	Oct. 1, '23	25.50	13.00	....	27.00	10.63	66.13	100	66.13	50	33.06	42
101. Roanoke, Va.	50,842	56,336,527	69	31	Jan. 1, '22	Nov. 1, '22	15.75	6.75	....	....	2.50	25.00	100	25.00	50	12.50	1

102. Niagara Falls, N. Y.	50,760	$104,909,000	100	..	Jan. 1	Oct. 1, '22	$10.54	$7.64	....	$4.58	$1.38	$24.14	100	$24.14	93	$22.45	17
103. East Orange, N. J.	50,710	84,322,536	87	13	Jan. 1	Jan. 1	13.13	8.31	....	7.76	1.00	30.20	100	30.20	65	19.63	7
104. Atlantic City, N. J.	50,707	173,857,454	94	6	Jan. 1	June Dec.	15.79	5.94	....	4.45	3.42	29.60	100	29.60	100	29.60	33
105. Huntington, W. Va.	50,177	113,675,000	80	20	July 1, '22	Nov. 1, '22	4.70	10.70	....	3.00	1.50	19.90	100	19.90	75	14.93	2
106. Topeka, Kans.	50,022	75,745,319	72	28	Jan. 1	Dec., '22 June, '23	10.84	12.55	....	5.86	2.15	31.40	100	31.40	75	23.55	20
Group V Population, 30,000 to 50,000																	
107. Malden, Mass.	49,103	47,083,658	85	15	Jan. 1, '22	Oct. 15, '22	14.41	10.09	$3.21	1.40	3.59	32.70	100	32.70	90	29.43	43
108. Kalamazoo, Mich.	48,487	67,446,575	68	32	Jan. 1	July 1	12.00	13.05	....	3.95	3.69	32.69	100	32.69	80	26.15	38
109. Jackson, Mich.	48,374	78,313,470	78	22	Jan. 1	July 1	7.69	7.78	.87	4.12	3.04	23.50	100	23.50	100	23.50	28
110. Bay City, Mich.	47,554	47,251,674	78	22	July 1	Aug. 1	15.24	16.90	....	5.46	2.68	40.28	100	40.28	100	40.28	58
111. York, Pa.	47,512	37,201,787	95	5	Jan. 1	Mar. 1	9.50	14.00	....	7.00	....	30.50	100	30.50	67	20.33	20
112. McKeesport, Pa.	46,781	39,179,650	100	..	Jan. 1	Mar. 1	10.00	15.00	....	6.00	....	31.00	100	31.00	65	20.15	18
113. Highland Park, Mich.	46,499	165,316,900	50	50	July 1	July 1	8.60	7.90	....	2.05	2.88	21.43	100	21.43	80	17.14	7
114. Cedar Rapids, Iowa	45,566	54,649,799	86	14	Apr. 1, '22	Jan. 1, '23	11.50	22.80	....	4.46	2.92	41.68	100	41.68	60	25.01	34
115. Pasadena, Calif.	45,354	92,824,527	78	22	July 1, '22	Oct. 10, '22	12.80	2.13	....	.83	....	15.76	100	15.76	75	11.82	1
116. Fresno, Calif.	45,086	41,177,570	84	16	July 1, '22	Dec., '22 Apr., '23	21.80	19.20	....	24.00	....	65.00	100	65.00	60	39.00	57
117. New Castle, Pa.	44,938	33,011,600	72	28	Jan. 1	June 1	12.00	20.00	....	6.00	....	38.00	100	38.00	50	19.00	10
118. Shreveport, Pa.	43,874	85,048,330	90	10	Jan. 1, '22	Dec. 1, '22	7.50	4.50	....	6.50	5.25	23.75	100	23.75	60	14.25	3
119. Decatur, Ill.	43,818	16,967,680	75	25	May 1, '22	Jan. 1, '23	36.50	35.90	....	13.10	4.50	90.00	50	45.00	67	30.00	46
120. Chelsea, Mass.	43,184	43,822,300	85	15	Jan. 1, '22	Oct. 15, '22	20.18	11.63	....	....	2.39	34.20	100	34.20	100	34.20	55
121. Mount Vernon, N. Y.	42,726	81,540,568	100	..	Jan. 1	Jan. 1	9.66	9.62	....	3.38	1.34	24.00	100	24.00	80	19.20	12
122. Salem, Mass.	42,529	47,840,850	80	20	Jan. 1, '22	Nov. 1, '22	13.07	8.90	7.45	1.71	2.87	34.00	100	34.00	100	34.00	54
123. Pittsfield, Mass.	41,763	47,991,875	79	21	Jan. 1, '22	Oct. 15, '22	12.85	7.78	6.07	1.56	2.14	30.40	100	30.40	80	24.32	30
124. Lakewood, Ohio	41,732	77,165,600	80	20	Jan. 1	Dec., '22 June, '23	5.33	12.43	4.18	2.68	3.68	28.30	100	28.30	80	22.64	26
125. Lima, Ohio	41,326	50,125,020	63.5	36.5	Jan. 1	Dec., '22 June, '23	2.36	7.35	6.33	5.59	4.17	25.80	100	25.80	55	16.39	6
126. Fitchburg, Mass.	41,029	54,265,525	72	28	Dec. 1, '22	Sept. 15, '23	13.72	6.72	4.90	2.66	....	28.00	100	28.00	75	21.00	21
127. Kenosha, Wis.	40,472	56,443,550	65	35	Jan. 1	Jan. 1	14.66	11.47	....	3.41	1.46	31.00	100	31.00	65	20.15	17
128. Stockton, Calif.	40,296	58,600,000	60	40	Jan. 1	Feb. 15	15.50	18.80	....	12.70	....	47.00	100	47.00	70	32.90	53
129. Everett, Mass.	40,120	45,134,400	82	18	Jan. 1, '22	Oct. 1, '22	25.99	....	....	1.06	4.75	31.80	100	31.80	80	25.44	35
130. West Hoboken, N. J.	40,074	29,432,172	94	6	Jan. 1	June 1 Dec. 1	26.88	....	....	6.89	4.16	37.93	100	37.93	100	37.93	56
131. Springfield, Mo.	39,631	37,458,302	69	31	July 1, '22	Sept. 1, '22	8.96	8.50	2.34	5.20	1.30	26.30	100	26.30	70	18.41	8
132. Dubuque, Iowa[28]	39,141	39,132,000	82	18	Apr. 1	Feb.	14.44	13.75	....	7.48	2.52	38.19	100	38.19	80	30.55	47
133. Medford, Mass.	39,038	43,673,750	93	7	Jan. 1, '22	Oct. 15, '22	18.00	11.93	....	1.26	3.81	35.00	100	35.00	90	31.50	50
134. Jamestown, N. Y.	38,917	31,085,906	100	..	Mar. 1	July	17.27	19.88	....	9.54	....	46.69	100	46.69	60	28.01	42
135. Waco, Tex.	38,500	50,074,720	70	30	Oct. 1, '22	Oct. 1, '22	11.37	6.50	5.33	4.00	7.50	34.70	75	26.03	100	26.03	37
136. Joliet, Ill.	38,442	12,985,378	70	30	Jan. 1	Jan. 7	22.70	54.20	....	15.90	4.50	97.30	50	48.65	50	24.33	31
137. Madison, Wis.	38,378	85,093,923	74	26	Jan. 1, '22	Jan. 1, '22	7.50	12.60	1.70	2.90	1.30	26.00	100	26.00	94.5	24.57	32
138. Brookline, Mass.[29]	37,748	112,727,300	86	14	Jan. 1, '22	Oct. 15, '22	10.20	....	....	4.90	6.60	21.70	100	21.70	100	21.70	23
139. Columbia, S. C.	37,524	29,200,000	80	20	Jan. 1, '22	Oct. 15, '22	26.00	18.50	....	13.00	7.50	65.00	42	27.30	59	16.25	5
140. Lorain, Ohio	37,295	58,777,910	62	38	Jan. 1	Dec. 20, '22 June 20, '23	5.81	8.20	4.60	3.62	4.17	26.40	100	26.40	70	18.48	9
141. Muskegon, Mich.	36,570	52,646,978	78	22	Jan. 1	Dec. 1, '22	10.11	11.26	3.83	6.38	2.78	34.36	100	34.36	95	32.64	52
142. Chicopee, Mass.	36,214	44,971,820	75	25	Dec. 1, '21	Oct. 15, '22	14.08	9.09	....	1.08	2.25	26.50	100	26.50	80	21.20	22
143. New Rochelle, N. Y.	36,213	86,787,150	100	..	Jan. 1	Apr. 22, '23	13.08	8.96	3.17	2.97	1.32	29.50	100	29.50	100	29.50	44
144. Battle Creek, Mich.	36,164	52,708,410	75	25	Mar. 1	Aug. 20, '23 Jan. 10, '24	10.00	13.28	....	3.78	3.73	30.79	100	30.79	100	30.79	48

COMPARATIVE TAX RATES FOR 177 CITIES OVER 30,000 FOR 1923—*Continued*

	Census Jan. 1, 1920	Assessed value	Per cent		Fiscal year begins	Date of collection of taxes	Tax rate per $1,000 of assessed valuation						Legal basis of assessment (per cent)	Adjusted tax rate to uniform 100% basis of assessment	Estimated ratio of assessed to true value (per cent)	Final readjusted tax rate	Rank within census group
			Realty	Personalty			City	School	Debt	County	State	Total					
Group V (continued) Population 30,000 to 50,000																	
145. Quincy, Ill.	35,978	$18,325,927	68	32	May 1	May 1	$22.65	$27.30	....	$5.00	$4.50	$59.45	50	$29.73	100	$29.73	45
146. East Chicago, Ind.	35,967	71,892,745	64	36	Jan. 1	May 1	7.80	8.00	....	4.50	2.70	23.00	100	23.00	100	23.00	27
147. Newport News, Va.	35,596	41,054,525	71	29	July 1, '22	Nov. 1, '22	9.70	7.80	....	....	2.50	20.00	100	20.00	60	12.00	2
148. Rock Island, Ill.	35,177	12,417,875	79	21	Apr. 1	Feb. 1	25.80	36.60	....	13.50	4.50	80.40	50	40.20	50	20.10	16
149. Poughkeepsie, N. Y.	35,000	34,277,960	100	..	Jan. 1	Jan. 15	26.45	....	....	6.01	....	32.46	100	32.46	80	25.97	36
150. Pontiac, Mich.	34,273	44,117,086	74	26	Jan. 1	July Dec.	18.85	15.36	....	8.53	4.18	46.92	100	46.92	100	46.92	59
151. Easton, Pa.	33,813	34,160,410	60	40	Jan. 1	July 1 Oct. 1	13.00	14.00	....	5.00	....	32.00	100	32.00	60	19.20	13
152. Amsterdam, N. Y.	33,524	23,617,167	100	..	Jan. 1	Aug. 1	33.82	....	....	12.80	....	46.62	100	46.62	60	27.97	41
153. Orange, N. J.	33,268	32,364,916	85	15	Jan. 1	June Dec.	11.46	12.20	$3.92	5.23	3.99	36.80	100	36.80	85	31.28	49
154. Ogden, Utah	32,804	38,836,102	67	33	July 1	July 1	10.00	15.30	....	4.60	3.44	33.34	100	33.34	75	25.00	33
155. New Brunswick, N. J.	32,779	29,809,990	86	14	Jan. 1	June 1 Dec. 1	20.60	12.30	....	8.40	4.10	45.40	100	45.40	60	27.24	40
156. Norristown, Pa.	32,319	22,060,315	92	8	Jan. 1	July 1	10.00	14.00	2.50	2.00	....	28.50	100	28.50	67	19.00	11
157. Lewiston, Me.	31,791	30,800,262	82	18	Mar. 1	Aug. 21	16.34	3.13	.66	2.61	7.26	30.00	100	30.00	65	19.50	15
158. Watertown, N. Y.	31,285	41,677,580	98	2	Jan. 1	Jan. 15 May 15	8.52	6.74	3.60	6.09	1.05	26.00	100	26.00	92	23.92	29
159. Columbus, Ga.	31,125	37,323,300	70	30	Jan. 1	Aug. 1	10.00	6.00	2.00	9.00	5.00	32.00	100	32.00	60	19.20	14
160. Green Bay, Wis.	31,017	42,410,025	76	24	Jan. 1	Dec. 15, '22	6.28	9.65	3.46	6.87	1.24	27.50	100	27.50	80	22.00	25
161. Moline, Ill.	30,734	11,532,749	68	32	Apr. 1, '22	Feb. 1, '23	29.10	33.80	....	13.30	4.50	80.70	50	40.35	50	20.18	19
162. Newburgh, N. Y.	30,366	28,505,744	100	..	Jan. 1	Mar. 1 Oct. 1	20.00	....	....	7.49	....	27.49	100	27.49	80	21.99	24
163. Muskogee, Okla.	30,277	28,620,676	75	25	July 1	June 1 Dec. 1	16.12	17.61	....	10.35	.50	44.58	60	26.75	100	26.75	39
164. Colorado Springs, Colo.	30,105	39,329,000	55	45	Jan. 1	Jan. 1	14.50	15.88	....	6.30	4.48	41.16	100	41.16	78	32.10	51
165. Lynchburg, Va.[24]	30,070	48,085,355	54	46	Feb. 1	Sept. 1	20.00	....	....	....	2.50	22.50	100	22.50	70	15.75	4
Canadian Cities																	
1. Montreal, Quebec[30]	618,506	709,324,469	100	..	May 1	Oct. 1	13.50	10.00	....	....	....	23.50	100	23.50	100	23.50	10
2. Toronto, Ontario[31]	521,893	790,058,870	100	..	Jan. 1	May-July-Sept.	13.84	9.04	7.92	....	....	30.80	100	30.80	75	23.10	11
3. Winnipeg, Manitoba[32]	179,087	241,490,990	100	..	Jan. 11	June 15	12.00	12.15	2.70	....	2.65	29.50	100	29.50	83	24.48	8
4. Vancouver, B. C.[33]	117,217	206,994,915	100	..	Jan. 1	Aug. 3	14.74	7.86	9.07	....	....	31.67	100	31.67	100	31.67	4
5. Hamilton, Ontario	114,151	140,293,470	100	..	Jan. 1, '22	July 15, '23 Sept. 15, '23	10.16	11.96	8.46	.42	1.00	32.00	100	32.00	100	32.00	3
6. Ottawa, Ontario[34]	107,843	137,059,227	82	18	Jan. 1	June 15, '23 Nov. 15, '23	12.55	10.60	4.85	....	....	28.00	100	28.00	75	21.00	12
7. Calgary, Alberta[35]	63,305	59,656,292	100	..	Jan. 1	May 20	30.05	19.77	....	....	2.09	51.91	68	35.19	100	35.19	1
8. London, Ontario	60,959	68,209,120	100	..	Jan. 1	June-Aug.-Oct.	8.35	14.27	11.72	.36	....	34.70	100	34.70	70	24.29	9
9. Edmonton, Alberta[36]	58,821	61,527,040	100	..	Jan. 1	May 1	20.75	19.25	....	....	....	40.00	100	40.00	80	32.00	2
10. Halifax, Nova Scotia	58,372	59,639,735	100	..	May 1	July 31	21.70	9.95	.85	....	....	32.50	100	32.50	80	26.00	7
11. St. John, N. B.	47,166	52,974,550	88	12	Jan. 1	Aug. 1	13.90	8.90	....	8.00	....	30.80	100	30.80	100	30.80	5
12. Victoria, B. C.[37]	38,727	63,708,642	100	..	Jan. 1	July 1	14.89	9.87	14.96	....	....	39.72	100	39.72	70	27.80	6

[1] *New York City.* Each borough has two tax rates,—one for realty and one for personalty,—consolidated by purposes. The rate here shown is that for realty in Manhattan borough, and the distribution is a computation based upon the gross appropriations by subdivisions. The personalty rates ($27.30) and the realty rates for the other four boroughs are the same as for Manhattan except the realty rate for Richmond borough, $27.60.

[2] *Chicago.* The city rate includes sanitary district, forest preserve district of Cook county, and park district. The rate shown is for South Park District (central business district and south side of city). The rate in other park districts is slightly higher. A quadrennial revaluation is in progress this year. Realty valuation includes 4.4 per cent railroad stock and 2.7 per cent capital stock.

[3] *Philadelphia.* The city rate includes the cost of county government, which is consolidated with the city; the city rate also includes city debt service. The rates given are on city realty, comprising 94 per cent of all realty; suburban realty (5 per cent of all realty) is taxed at two-thirds, and farm realty (1 per cent of all realty) at one-half, of the city realty,—except that property in poor districts (having local poor taxes) is further relieved of such poor taxes. There is a 4 mill tax on money at interest and vehicles to hire, comprising the personalty valuation. In all, there are nine distinct tax rates. Discount is allowed on taxes paid before June, and a penalty charged after December. There is no state tax on realty in Pennsylvania.

[4] *Detroit.* The city rate includes debt for city and schools.

[5] *Cleveland.* The city rate includes library rate of 75 cents. The state rate includes $2.65 for schools, collected by the county and redistributed to the school districts therein.

[6] *St. Louis.* The city rate includes the cost of county government, which is consolidated with the city. Realty valuation includes railroads and bridges, 7 per cent.

[7] *Boston.* The city rate includes debt levy.

[8] *Baltimore.* The city rate includes the country, which is consolidated with the city; also includes school rate. There are several rates applied to eleven bases of assessed valuation. The rate shown is applied against realty and tangible personalty in the "old city," comprising 50 per cent of the valuation; rates on other classes of property in the old city and new addition are lower.

[9] *Los Angeles.* The city rate includes flood control rate of 70 cents. Legal basis of assessment is 100 per cent, but for purpose of taxation 50 per cent of assessed valuation is used. There are fourteen distinct tax districts. There is no state tax on real estate in California.

[10] *Buffalo.* The city rate includes school and debt; the state rate includes county (division not furnished).

[11] *San Francisco.* The city rate includes the county, which is consolidated with the city. (See note 9.)

[12] *Washington.* Appropriations for the District of Columbia are made by Congress, 60 per cent of the total being raised by taxation, and 40 per cent paid by the Federal Treasury. (See October 1923 NATIONAL MUNICIPAL REVIEW for full description.) The rate shown is for real and tangible personal property, comprising 64 per cent of the assessed valuation; the rate on tangible personalty is $\frac{3}{10}$ of 1 per cent. Details of the total rate were not furnished.

[13] *Cincinnati, Columbus, Akron.* The state rate includes $2.65 school levy, retained by the county and redistributed to school districts therein.

[14] *Minneapolis.* Real estate is assessed at 40 per cent of full and true value; personalty, at 25 per cent to 40 per cent; and money and credits at 100 per cent. The tax rate on money and credits is 3 mills on the dollar.

[15] *Kansas City, Missouri.* The valuation shown is for school, county and state purposes. The valuation for city tax is $457,000,000, with a rate of $12.50, which rate is adjusted for the valuation shown. The city rate includes also 55 cents for parks, adjusted for the valuation shown, from an actual rate of $2.50 on land only exclusive of improvements, valued at $125,000,000.

[16] *Seattle.* The city rate includes $1 for port.

[17] *Rochester.* The school rate includes debt for schools. The valuation includes personalty of less than 1 per cent, which is omitted from this table; all New York cities are so tabulated.

[18] *Portland.* The city rate includes $2 port rate and $2 dock rate; the county rate includes library rate. Realty valuation includes 10 per cent public service companies.

[19] *Toledo.* The city rate includes 40 cents for municipal university. The school rate includes 40 cents for library. The state rate includes $2.65 school levy, collected by the county and redistributed to school districts therein.

[20] *Providence.* There is no county government in Rhode Island, therefore, no county rate. The city rate includes debt service.

[21] *Atlanta.* The school rate is estimated,—the city remits schools 26 per cent of total revenues.

[22] *Omaha.* The city rate includes debt service and fire hydrant rental.

[23] *Birmingham.* The county rate includes $3 school levy, distributed to the school districts therein.

[24] *Richmond, Lynchburg.* The rate given is on realty; tangible personalty (5 per cent of the total valuation) is taxed at $22, and intangible personalty at from $2 to $8.50. There is no county rate for cities in Virginia, as they are autonomous.

[25] *New Haven.* State and county taxes levied during session of legislative assembly, every two years; a tax of $2.50 was levied in 1922, about two-thirds payable in 1922, and the balance ($1) in 1923.

[26] *Dayton.* Both city and county rates include debt and flood prevention charges. (Also see note 13.)

[27] *New Britain.* The city rate includes $3.10 sprinkling tax paid by the central district of the city.

[28] *Dubuque.* Valuation and rates do not include money and credits, $10,000,000, taxed at 5 mills, prorated to subdivisions according to levy.

[29] *Brookline.* The city (town) rate includes school rate, also metropolitan sewer and park taxes.

[30] *Montreal.* The school rate shown is the Protestant rate; the Catholic rate is $7; the Neutral (comprising business corporations) rate is $12. There is no county tax in Canadian cities. Montreal has no direct provincial (state) tax.

[31] *Toronto.* Realty valuation includes 8.7 per cent income and 10.9 per cent business. Toronto has no direct provincial tax.

[32] *Winnipeg.* Realty includes 6 per cent business tax and 11 per cent miscellaneous revenue.

[33] *Vancouver.* Improvements (39 per cent of valuation) can be exempted from taxation by Council, and in 1922 and 1923 a 50 per cent exemption was allowed,—therefore, improvements were taxed at 50 per cent of rate shown. Tax rate is subject to 10 per cent discount, which is charged against the city revenues, the school and debt levy being net.

[34] *Ottawa.* The city has both Protestant and Separate (Roman Catholic) schools, both paying the High School rate of $7.70; the Separate School rate is $4.30 higher than the Public School rate, or $12, making a total rate for Separate schools of $32.30.

[35] *Calgary.* Land is assessed at 100 per cent, buildings at 50 per cent. Of the total valuation, $312,516 is assessed at only $20. The total valuation does not include the business tax assessment of $3,256,552.

[36] *Edmonton.* Land is assessed at 100 per cent, buildings at 60 per cent, of real value (valuations not stated).

[37] *Victoria.* Land is assessed at 100 per cent, improvements at 33 per cent of real value.

day is not written in low tax rates. Citizens are coming to recognize that the keystone of good government is the budget, and the tax rate is but one means to that end. Public interest is being directed to the program of services and their cost, and the resulting tax rate is secondary. This is one of the most encouraging signs of progress in our cities to-day.

This brings to mind the circular recently issued by a commercial organization in a large city, which announced:

> To the individual or firm seeking an industrial site or location, the tax rate is an important consideration.
>
> A study of the following tax rates (about twenty cities) will reveal ———'s prior claim as highly advantageous district for a manufacturing establishment.
>
> Here . . . the taxpayer's money is made to yield the fullest measure of public service.

The premise is sound. But will any individual or industry agree with the conclusion? It is fatuous until all the facts are known. What public services are being performed by a city, and what is their efficiency in dollars spent and units of work done,—as measured in pure water, low death rates, clean and safe streets, well-trained and paid teachers, provision for recreation in play areas and centers? These and many more things are the elements upon which the modern city is judged as to its adaptability for home or factory.

No final conclusions may safely be drawn with respect to the effectiveness of the municipal governments in any of the cities by casual examination of these figures. The mere citation of the influences affecting the tax rates should dispel any false notions of their value as an index to public economy. There are too many other sources of revenue by governments. One gage of costs is the reports being issued currently by the department of commerce, entitled "Financial Statistics of the City (or State) Government of ———." These sheets give the total cost, revenues, debt and assessed valuation, and the per capita figures also are reported.

It might be suggested that such essential factors as the tendency of cities to pay for public works by special assessments, to the relief of the tax rate but not the citizens at large, cannot be reflected in the table. Similarly, the adoption of the pay-as-you-go policy, followed to some extent by many cities, with the immediate effect of increasing the tax rate but the ultimate effect of economy to the taxpayer, is not apparent from the figures.

Questionnaires were submitted to all cities over 30,000—247 cities in United States and 13 in Canada. From the 260 cities, data adequate to tabulate were received from 177. It is regretted that it was necessary to omit the remaining 83 cities because no replies were had or the information was incomplete. Should demand warrant a compilation of the data in 1924, it is to be hoped that replies will be forthcoming from all the cities, and possible errors due to misinterpretation this year be remedied.

RECENT BOOKS REVIEWED

PUBLIC UTILITY RATES FOR 542 KANSAS CITIES. By The League of Kansas Municipalities, Lawrence, Kansas, 1923.

The League of Kansas Municipalities has recently issued under the caption of "Public Utility Rates for 542 Kansas Cities" what is probably the most comprehensive compilation of rates chargeable for water supply, electric light and power, gas and telephone service for any single state. This compilation includes in addition to the tabulation of rates charged for the various services, considerable data with respect to local conditions of operation. Thus, for water supply the source of the supply is given, method of treatment employed together with the capacity of the plant and whether or not the latter is a paying proposition. Similar information is given for the electric light and power plants.

A brief comment is also made on certain of the more outstanding defects in administration such as would be disclosed in a study of this kind and suggestions for desirable changes in administrative policy are made. It is proposed to issue each year a supplement to this publication thereby bringing the information up to date. The data submitted are presented in a concise and readily understandable form that should make the book of value to local plant operators in Kansas cities as well as of interest to the general public. There is a distinct place for the sort of educational service furnished by publications of this kind.

WILLIAM A. BASSETT.

CITY CHARTER MAKING IN MINNESOTA. THE LAW OF SPECIAL LEGISLATION AND MUNICIPAL HOME RULE IN MINNESOTA. By William Anderson, Associate Professor of Political Science, University of Minnesota. Published by the University, April, 1922, and May, 1923.

These brochures are publications No. 1 and No. 2 of the University of Minnesota Bureau for Research in Government, of which Professor Anderson is the director. It is to be hoped that these initial publications will be followed by many more.

The brochure on special legislation and home rule is a reprint from the *Minnesota Law Review*, and its flavor is distinctly legal. The reader at all familiar with the phenomenon of special legislation in our states, and the efforts to avert its evils by constitutional prohibitions, is struck at once by the parallel of Minnesota's experiences with those in a number of jurisdictions. So far as the main outlines of Dr. Anderson's study are concerned, the history might apply with equal accuracy to Pennsylvania, for example.

This work is divided into two major parts, as its title indicates—in fact the reprint is of two separate articles. The part devoted to special legislation is arranged in nine sections. In a logical orderly manner the provisions of the first state constitution and the several amendments are discussed, and their ineffectiveness in avoiding the evils of special legislation is made clear. An analysis of the court decisions, with careful citations, shows the influence of expediency and the courts' frequent inconsistencies. The greater part of the discussion naturally is devoted to special legislation affecting municipalities.

The paper on municipal home rule is an excellent summary of the efforts of the last thirty years in Minnesota to solve the problem of providing charters suited to individual needs of communities and avoiding at the same time the objectionable results of special legislation. A very full discussion of home-rule powers, also adequately buttressed by citations, is the meat of the discussion.

The handbook on charter making is a mine of useful information for citizens and officials of Minnesota municipalities. The book furnishes in compact form the essentials for drafting a charter for a Minnesota city. The chapters and their subdivisions are well arranged, and are followed by a good index, and a fairly inclusive bibliography.

Problems such as that of separate administrative boards are soundly treated. The commission plan of government, the commission-manager plan, and proportional representation, are other important topics well presented.

The typography and paper of *City Charter Making* might well be improved in a later edition,

and such solecisms as "much of the data" (in the foreword) are especially regrettable in a university publication.

FREDERICK P. GRUENBERG.

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SERVICE MONOGRAPHS OF THE UNITED STATES GOVERNMENT. By the Institute for Government Research, Johns Hopkins Press, 1922–23.

The Institute for Government Research has reached the half-way mark in its Service Monographs of the United States Government. During 1922 and 1923 the following 26 volumes of this series have been published.[1]

1. The Geological Survey
2. The Reclamation Service
3. The Bureau of Mines
4. The Alaskan Engineering Commission
5. The Tariff Commission
6. The Federal Board for Vocational Education
7. The Federal Trade Commission
8. The Steamboat-Inspection Service
9. The Weather Bureau
10. The Public Health Service
11. The National Park Service
12. The Employees' Compensation Commission
13. The General Land Office
14. The Bureau of Education
15. The Bureau of Navigation
16. The Coast and Geodetic Survey
17. The Federal Power Commission
18. The Interstate Commerce Commission
19. The Railroad Labor Board
20. The Division of Conciliation
22. The Women's Bureau
23. The Office of the Supervising Architect
24. The Bureau of Pensions
25. The Bureau of Internal Revenue
26. The Bureau of Public Roads
27. The Office of the Chief of Engineers

As was once said of an important survey of the New York Bureau of Municipal Research, "These form a valuable series. They contain 3,837 pages and weigh 18 pounds and 4 ounces."

These monographs are prepared according to a uniform plan. They give, first, the history of the establishment and development of each service; second, its functions and activities; third, its organization for the handling of these activities; fourth, the character of its plant; fifth, a compilation of, or reference to, the laws and regulations governing its operations; sixth, financial statements showing its appropriations, expenditures and other data for a period of years; and finally, a full bibliography of the sources of information, official and private, bearing on the service and its operations.

It is fortunate that these monographs are not wholly descriptive in character as one might presume from reading the introduction. While no effort is made to criticize the administration and organization, or to recommend major changes, the more significant volumes in the series contain occasional suggestive critical comments. But in the main they represent an orderly fact statement of the development and present organization and activities of the various services of the government.

There is no need of saying that the standard of scholarship maintained in these studies is of a high character and that the style of publication makes them both attractive and useful. It is surprising that with the exception of a map of Alaska in No. 4 and of the United States showing national parks in No. 11, the entire series contains neither map, chart, diagram nor graph.

In the foreword the staff of the Institute expresses the hope that these monographs will "automatically reveal, for example, the extent to which work in the same field is being performed by different services and thus furnish the information that is essential to a consideration of the great question of the better distribution and coordination of activities among the several departments, establishments and bureaus, and the elimination of duplications of plant, organization and work." One is inclined to feel, however, that this is not one of the services which the monographs are destined to fulfill. Is it not too much to expect that anyone, except the trained student of Federal administration who sets himself to the task, will be able to draw material even from such available sources as the Service Monographs and to construct from them valid conclusions for the improvement of administration? Such a process is hardly automatic. In view of this fact does it not seem that the preparation and publication of this series of studies lays upon the Institute in a peculiar way the responsibility for bringing together on the basis of this material a critical and constructive program? That such a study is within the scope of the work of the Institute has already been amply attested by such books as Dr. W. F. Willoughby's, "The Reorganization of the Administrative Branch of the National Government," and by other publications of the Institute.

Buried away in the standardized appendix is the intimation that the Institute plans to make

[1] No. 21. The Children's Bureau is in press.

on the basis of the monographs certain cross-section studies tracing through all of the government services a single question such as technical facilities. Synthetic studies of this character will probably prove more valuable and suggestive for most of us than the Service Monographs themselves.

The monographs together with such supplements as may be issued in the future to bring them up to date are destined to become the most authoritative and complete discussion of the work of the various Federal services. As such they will be of particular value to administrators and students of administration. For this the cause of orderly and scientific reform owes to the Institute for Government Research and its backers a real debt of gratitude.

LUTHER GULICK.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Restricting the Operation of Motor Trucks on City Pavements.—The need for restricting the operation of motor trucks over city streets is more and more receiving the attention of city officials. At present the operation of trucks on certain streets is restricted by ordinance in Columbus, Rochester, Cleveland, Buffalo, Indianapolis, Grand Rapids and New Orleans, while other cities are considering similar restrictions. According to the *Toledo City Journal*, present restrictions are based mainly on two factors—traffic conditions and a desire to keep trucks from residence streets. When the traffic congestion is the reason, trucks are barred from business streets unless a delivery is to be made. In some cities, they are forbidden parkways, boulevards and residence streets, ostensibly because of their noisy operation. Although traffic conditions apparently have been the principal consideration in the enactment of these ordinances there is another reason for prohibiting the operation of trucks over certain city streets which is of equal if not greater importance. This is to prevent the destruction of pavements not designed to carry heavily loaded trucks. It is a matter of common complaint that trucks have done more to shorten the life of pavements than any other destroying force.

The only solution of this seems to be to designate certain streets as arterial highways, pave them with materials which will withstand truck travel and require trucks to operate only on these thoroughfares except when deliveries have to be made. The rapid development of motor transport between relatively distant cities as a means of carrying freight and the permissible loading of trucks have produced conditions which perhaps can alone be met by some such plan as the latter. However, if trucks are to be restricted to certain city streets it will be necessary to enforce rigid requirements governing parking of vehicles along those streets. Otherwise intolerable congestion of traffic is liable to result. Furthermore, the financing of improvement work on streets devoted to truck traffic constitutes a special problem. The need for local regulation of the motor truck apparently has added one more complication to the vexatious problem of traffic control. The economic importance alone of this matter demands energetic action on the part of city officials directed towards effecting an adequate solution of the problem.

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Simplification of Specifications for Asphaltic Materials.—Simplified practice in the grading of asphaltic materials which will reduce from eighty-eight to nine the grades suitable for the construction of asphaltic pavement surfaces and from fourteen to four the grades of materials used as joint filler in the construction of brick and block pavements will become effective after January 1, 1924. This reduction in the number of grades of these materials has been brought about as the result of nation-wide co-operative action on the part of engineers, contractors and producers, following a study of the problem which was initiated by Secretary Hoover of the United States department of commerce. The multiplicity and non-uniformity of specifications for asphaltic materials has long been a source of confusion both to engineers engaged in highway and street work and other government officials. These factors undoubtedly have contributed in many cases to the use of unsuitable materials to

meet certain conditions which almost always result in unnecessary expense to the community concerned. All in all the diversity in grades has been the cause of considerable waste and the purpose of the study made was to eliminate this waste.

A complete report of the conference at which the reduction in the number of asphalt varieties was adopted is in process of printing and will be published about December 1 by the department of commerce as one of its series on "Elimination of Waste in Industry." It will be entitled "Simplified Practice Recommendation No. 4—Asphalt," and can be obtained from the superintendent of documents, Government Printing Office at Washington. The essential result of the conference was to define and limit the penetration requirements of asphaltic materials for street surfacing and use as a filler.

The following table gives the penetration limits as adopted:

For Construction of Sheet Asphalt, Asphaltic Concrete, and Asphalt Macadam Pavements, and also for Surface Treatment

Penetration Limits		
25–30	50–60	100–120
30–40	60–70	120–150
40–50	85–100	150–200

The nine ranges given are designed to meet the varying conditions, climatic and otherwise met with in street work.

For Joint Filler for Various Types of Construction

Penetration Limits	
30–50	60–70
50–60	85–100

The first is used primarily for brick pavements, and does not require the admixture of sand, whereas the latter three, which are identical with three of the grades adopted for asphalt pavement construction, are those which would ordinarily be used in admixture with sand to produce an asphalt grout.

In adopting these limits, it is understood that the producer will furnish asphalts with penetration equal to the mid-point in each range, a plus and minus tolerance from that mid-point being acceptable to all parties, but in no case shall the deviation exceed the limits of the grade specified.

These standards were unanimously adopted at a general conference held at the department of commerce on May 28, 1923, and have been officially accepted as the standard of practice by the highway engineers of thirty states, the American Society for Testing Materials, the Society for Municipal Improvements, the American Society of Civil Engineers, the United States bureau of public roads, the Asphalt Association, and five manufacturers not members of the Asphalt Association.

The universal adoption of the above standards should result in substantial economies in both the production of asphalt materials and the use of these materials on construction work. Their general use in the preparation of pavement specifications is to be recommended.

Restrictive Provisions in State Constitution an Obstacle to Securing Adequate Municipal Water Supplies in New Jersey.—The inadequacy of present developed water supplies in northern New Jersey to meet the increasing needs of communities located in that section of the state has been realized for a long time by officials and engineers both in government and private service. During the past year the water shortage became so acute as to cause serious alarm and the present situation is one demanding prompt action to secure additional supply in order to protect both life and property in the communities concerned. The matter of developing new sources of supply has been studied by local and state officials. The State Conservation and Development Commission obtained from Allen Hazen, the prominent engineer, a comprehensive report which showed that an ample supply to meet present and future needs could be obtained for those communities by developing any one of several water-storage possibilities. Mr. Hazen also recommended that a commission be established for the purpose of developing a supply for wholesale distribution and also as a means of co-ordinating the interests of the municipal and private companies furnishing the present supply. No definite action has followed the report of Mr. Hazen and there has been much criticism of public officials for their apparent neglect in meeting the needs of the situation. That this is not the only reason for failure to act is suggested by another eminent engineer, Mr. Clemens Herschel, in a letter addressed to the Engineering News-Record which appeared in the issue of July 26,

1923. Mr. Herschel's comments on the present situation in New Jersey are substantially as follows:

More than 30 years ago, some cities and towns adjacent to Boston were situated, as regards their public water supplies, very much as are now situated the municipalities encircling Newark and Jersey City. For this district in Massachusetts there was created by legislative action a Metropolitan Water Commission of three members appointed by the governor. This board took over the water-supply works of Boston and acquired other water-supply property. It borrowed large sums of money, issuing bonds on the credit of the state as security. It built works ample for the purposes of supplying water to the Metropolitan District. It paid the interest on the money borrowed, and paid off the principal from the money received for the water furnished in wholesale lots, and at wholesale prices, delivered to the several municipalities to be supplied, Boston included. The commission, since merged with like district commissions for main sewerage and for parks, is still at work. Nothing is simpler in general outline; nothing more effective, or economical. Each municipality attends to the details arising within its own borders, the commission selling water in wholesale quantities, delivered to each municipality, and furnishing the main channels by means of which it is again removed in a sanitary manner.

Why cannot precisely the same plan of operation be engrafted on the life of the municipalities of northern New Jersey? Why has it not long ago been done? Why is there a continuance from year to year of a dearth of ample sanitary public works in northern New Jersey, conceived, constructed, operated and paid for, in a sane manner? The answer may be found in a portion of Article IV of the New Jersey constitution, which reads: "The credit of the state shall not be directly or indirectly loaned in any case." Therefore, instead of having commissioners with powers of initiative to construct and operate for them ample works of public, sanitary necessity, the inhabitants of northern New Jersey are put to it to get such works at all. As population increases, each little municipality becomes unable to properly care for these needs. The works then, and thereafter, needed, must be planned with a vision that extends far into the future, and far beyond the boundaries of any and of all these municipalities, and mayhap into other states than their own. Such planning must continue indefinitely, and the commissioners must have full powers of initiative and of condemnation.

Of what need any "Jerseyman" be afraid should a proposition be presented amending Article IV to read: "Except for the construction, maintenance and operation of works of water supply and main drainage, to be owned by and operated for the sole benefit of the people, the credit of the state shall not be directly or indirectly loaned."

The existing prohibition was intended, so it is said, to prevent the legislature from extending state aid to works of private enterprise, conducted for private gain, as in the wild days of the Camden & Amboy and other railroad ventures. It should no longer stand in the way of the creation of sanitary works needed for the public good.

How many states of the Union have such a clause, as this of New Jersey, in their constitutions, it would require some study to determine. It is plain that no state should throttle the construction of needed sanitary public works in this manner. All states may, instead, well follow, in their metropolitan districts, the example of Massachusetts, since public sanitary works, comprehensive as to political subdivisions served and as to time of construction, must needs be built in the manner described or they will not be built at all.

New Jersey should no longer be prevented by an antiquated clause in the constitution, designed for a wholly different purpose, from adopting the sole rational method for the procuring by the people of what the people must have to live.

Buffalo's Garbage Disposal Predicament.—How far even our larger cities are from handling garbage disposal in a proper engineering manner is strikingly illustrated by the way Buffalo has dilly-dallied with its local garbage disposal problem for several years past and the predicament in which it now finds itself in consequence. In but one detail did the city authorities act effectively; they do have to their credit the calling in of a competent sanitary engineer for advice on garbage disposal bids, but they delayed doing this until after bids had been received on such very open specifications that the engineer was compelled to spend much time and go into extensive calculations in order to reduce the bids to a comparative basis.

Although this engineer's report had been before the commission council at Buffalo for months past, and endorsed by the city street commissioner and by the council commissioner in whose department garbage disposal falls, the commission has not acted upon these recommendations. Meanwhile, as has been perfectly apparent for a considerable time past might happen, the city has been ordered by the court to shut down its garbage piggery on allegations that it is a nuisance. This order was to become effective September 15, but the city authorities have secured a hearing for September 26, on an application for a modification of the order, and in addition have taken steps to carry the order to a higher court. It is to be expected that the complainants against the piggery will press for shutting it down and that, if the court grants the city

relief, it will be only because of sympathy for the city in its predicament and because if the plant were closed nuisance might be caused to a far larger number of Buffalo people than would be caused to the relatively few people near the piggery if it were kept in operation.

The Buffalo example is so flagrant a one of failure by a city to see that garbage disposal must be handled as an engineering problem if grave complications and possible large and unnecessary expense are to be avoided, that we present to our readers a condensation of the very exceptional report on the Buffalo bids prepared by H. P. Eddy. The specifications on which bids were asked were so vague and so lacking in the many requirements necessary to make the bids comparable that revised estimates of cost for a 200-ton plant were far in excess of the proposals; in one case nearly four times as large. Additional calculations were required before Mr. Eddy could reach conclusions as to which method of disposal, among those offered, seemed most desirable. Before reaching this point, Mr. Eddy found it advisable to eliminate entirely all of the bids for garbage disposal by incineration. He also found it necessary to double the city specification allowances for the size of a plant for treating uneaten garbage and hog manure in case a piggery was decided upon.

In passing it may be noted that what will perhaps be to most engineers a matter of great surprise is that after careful consideration Mr. Eddy concluded that in case feeding to hogs were to be adopted, it would be wise to provide a disposal plant for the residue one half of the daily capacity of the total estimated amount of garbage collected.

The most valuable of all the advice Mr. Eddy has given to Buffalo in this matter, if only the city will heed it—and it is advice that every other city in the country confronted with garbage disposal problems should take to heart—is that the city should decide on some one scheme of disposal, have complete designs made, and then obtain bids for the construction of a plant of that type and size and none other. This is directly opposite to the general practice of American cities. City authorities generally do not put the matter of garbage disposal in the hands of their own engineering force or of competent consulting engineers, have a plan designed and specifications drawn and then ask for bids, all on such a basis of site, size of plant, contract guarantees, test requirements and total annual charges, as will make it possible to compare the bids received understandingly.

Few, if any, cities—and none we hope as large as Buffalo—would think for a minute of asking bids for a pumping station or a filtration plant, to name only two kinds of engineering work, on such vague specifications as those on which the Buffalo garbage disposal bids were based. How indefinite these specifications were may be seen in part from our abstract of Mr. Eddy's report. Had the council-commission of Buffalo attempted to award the contract on the basis of comparative bids received—and many another city has done just this sort of thing—it would almost certainly have been sadly disappointed in the results that it would have obtained when it came to count up the actual cost of installing the plant and the total annual charges.

Finally, we regret to have to say that some cities which confine their request for bids to one general type of means of garbage disposal improve upon the Buffalo specifications in degree only; that is, although they may eliminate utterly different methods of doing the same sort of work, they provide neither adequate detailed specifications or contract guarantee and acceptance tests that will indicate with any certainty what the plant will really accomplish in daily operation.

It is high time that our cities make some change in their methods of treating garbage disposal. It is to be hoped that after its present experience, Buffalo before again advertising for bids will follow Mr. Eddy's advice as to definite plans and specifications for one type of plant. Judging from reports of commission-council proceedings since Mr. Eddy's report was submitted, the commission-council has not yet seen this matter in its full and true light.

[NOTE.—The above comment appeared in the editorial columns of the *Engineering News-Record* of September 20, 1923. Its discussion of the Buffalo situation and its analysis of the prevailing weaknesses of municipalities in dealing with the matter of garbage disposal are so timely and sound that the editorial in question is published in full for the readers of the REVIEW.]

ITEMS OF CIVIC INTEREST

EDITED BY HARLEAN JAMES
Secretary, American Civic Association

State and City.—A recent inquiry sent to various states in the Union to ascertain whether any state had appropriated money for the plan of its capital city brought returns from California, Colorado, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Wisconsin and Wyoming. Of these eighteen states none had appropriated money for direct participation in the plan of the capital city. In *California* in 1915 an act was adopted by the legislature providing for a state planning commission, but no appropriation was ever made to such a commission though the commission made two reports, one in 1916 and one in 1918. In 1921 the commission was abolished and its powers and duties were transferred to the state department of finance. In *Colorado* there is a tax levy for meeting the expenses of public improvements surrounding the capitol grounds which are a part of the group of civic center buildings. In *Kansas* there was for years an effort made at each meeting of the legislature to collect a part of the cost of paving the streets surrounding the capitol, but the legislature never allowed the bill. The state, however, did install a white-way system of ornamental lamp-posts around the state house, conforming with the lighting system of Topeka in consideration of the city furnishing necessary current for these lamps forever. In *Michigan* there has been a measure of co-operation between the city and state in the improvement of streets adjoining state property. In *Minnesota* the state war memorial commission has co-operated with the city planning board, but in the last legislature an effort to provide for state and city co-operation in the plan of a capitol approach failed, presumably because of late introduction.

In *Pennsylvania* the group of state buildings might appropriately be called a "State Civic Center," and an effort has been made further for the state and city to co-operate in the construction of a memorial bridge from the capitol grounds to the Hill section of Harrisburg; but this plan has been delayed because of insufficient funds voted by the state legislature. In *Rhode Island* an effort was made back in 1917 to pass a law which would harmonize the city plan of Providence in connection with the state capitol, the expense to be shared by the state and city. The report of the comission and its findings was rejected by the legislature. In *Wisconsin* about ten years ago there was a bill pending in the legislature whereby the state would purchase the ground from Capitol Park down to Lake Monona, four blocks, to be used for park purposes and a kind of civic center. It was the plan to put an office building for the state on this property and possibly a city hall. The bill did not pass.

So far, therefore, efforts to bring about state and city co-operation for a comprehensive city plan of the capital city of the state have been limited in scope and sporadic in their nature.

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National Parks Committee.—There are now about thirty organizations of national scope represented on the National Parks Committee. At a recent meeting in New York the committee authorized the printing of a second and revised edition of "A Policy for National and State Parks, Forests and Game Refuges." It is not surprising that with the rapid growth of these various areas of land the general public has received an impression that all are beneficial without stopping to define the purposes and uses of each. But wherever public lands or public funds are employed for the benefit of the people it is necessary to define carefully the conditions under which it is proper to appropriate land and money for different purposes. There is no field in which good intentions may so easily carry real danger to the parks, forests or refuges which the promoters desire to extend and protect. As soon as they are available, copies of this useful pocket edition will be sent on request. Dr. George Bird Grinnell is chairman, J. Horace McFarland and Robert Sterling Yard are vice-chairmen, Barrington Moore is secretary and John B. Burnham treasurer of the National Parks Committee.

Game Refuges in Texas.—Attention is called to the excellent editorial in the November *Review of Reviews* concerning the danger to two game refuges in Texas for migratory birds which would be incurred if plans are matured to establish a shooting club in the vicinity of the refuges.

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Appalachian Trail.—The Commissioners of the Palisades Interstate Park and the New York-New Jersey Trail Conference invited their friends in adjoining states to attend a conference on the Appalachian Trail, which was held at Bear Mountain Inn, October 26–28. Mr. Benton MacKaye first proposed the building of the Appalachian Trail some three years ago. The trail project has been enthusiastically supported by various outdoor groups. Volunteer workers have scouted, cleared and marked many miles of trails both in New England and in the Palisades Interstate Park and adjoining regions. The evenings were spent in indoor meetings before the famously hospitable fireplace, guarded by its little iron bears and the days in scouting over the trails through the Palisades Park.

There is something very appealing in the idea of this trail to reach from the north to the south peaks of the Appalachian system. It is not a grandiose scheme for which money is being collected. The trail is being made by those who will delight in using it after the through-connections are made. It is a labor of love, and all the more valuable for that. In cutting the four-foot swathe, all trees of major importance are preserved; the trail is made to bend to that end. This adds a charm which no straight pathway through the woods could command. The trail will be quite as useful for those who love horseback riding as for those who walk.

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A Ten-Thousand-Mile Motor Trip from the Atlantic to the Pacific leaves one outstanding impression beyond the great variety of marvelous scenery, and that is the pride which is manifested in the vast number of homes, both rural and urban. The "hill homes" of Berkeley, Piedmont, Oakland and San Francisco, display a variety, a picturesqueness, a cheerfulness and a love of the "vine and fig tree" hardly equalled in any other part of the country, and would certainly qualify as prize winners in the "moderate-income" class of American homes. The news that some forty blocks—a good square mile—of the most comfortable homes of Berkeley have burned to white ashes, destroying houses, possessions, trees and shrubbery, brings a sad regret that this neighborhood of homes produced with such loving care should have become a desert waste. The same spirit which created the neighborhood in the beginning will re-create it; but years will be needed to give it the mellow charm which the university town had cast over the area adjoining the campus.

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Printed Matter available at the offices of the American Civic Association includes:

How to Own Your Home, a handbook for prospective home owners, prepared by John M. Gries and James S. Taylor and issued by the Department of Commerce, with a foreword by Herbert Hoover. Limited number for free distribution. Price at Government Printing Office, 5 cents.

Report on Recommended Minimum Standards for Small Dwelling Construction, prepared by Advisory Committee on Building Codes, Division of Building and Housing Department of Commerce. Price, 15 cents.

New edition Standard State Zoning Enabling Act, Division of Building and Housing, Department of Commerce. Free.

Zoning for Iowa Cities and Towns, published by the Iowa State College of Agriculture and Mechanic Arts. Free.

Tourist Camps, published by the Iowa State College of Agriculture and Mechanic Arts. Free.

Rural Planning—The Social Aspects, published by the U. S. Department of Agriculture. Free.

Plea for a City Plan, prepared by the American Civic Association for use in Galveston, Texas.

The National Forests of the Southern Appalachians—What They Mean to the East and South, issued by the Eastern District Forester, Washington, D. C. Illustrated. May be secured from the Government Printing Office at 15 cents.

Attention is also called to the exceedingly useful "Manual of Information on *City Planning and Zoning* including references on regional, rural, and national planning," by Theodore Kimball, issued by the Harvard University Press.

POLITICS AND ADMINISTRATION

Chicago to Sell City Documents.—Under an ordinance recently passed by the city council of Chicago, city documents and publications of the Municipal Reference Library will be put on sale at a price to cover cost of paper handling and printing. City and county officials, libraries within the state of Illinois, newspapers and civic organizations in Chicago may receive publications free. Sales will be in charge of Municipal Reference Library, Frederick Rex, librarian. This is the first ordinance of this character to be passed by any American city.

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How Much Did the Ku Klux Klan Figure in the Portland Charter Election?—A responsible correspondent writes us the newspapers broadcasted false statements when they claimed the Ku Klux Klan secured the adoption of the city manager charter in Portland, Maine, September 10.

The Klan simply injected itself into the situation a few days before election, held a mass meeting in the city hall and informed the public it was "for the new form of government," and desired to help bring it about. The Committee of One Hundred having charge of the charter campaign repudiated this action on the part of the Klan and declined its offer to help.

The success of the charter campaign was due to the continued effort of the Committee of One Hundred and the enterprising citizens of Portland who for two years have been conducting a campaign along educational lines. The *Portland Press Herald* gave magnificent help through its editorial columns.

At no time was there any question of race or religion. The citizens working for the new charter were purely interested in securing greater economy through business methods in city administration. The campaign was conducted along absolutely non-partisan lines. The only negative forces were the stand pat politicians of both parties who were reluctant to have the control of the city pass out of their hands.

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First Report on Cleveland Election.—At the time of going to press the count of the ballots cast at the Cleveland P. R. election had just been completed. The official count of first choices began on Thursday, November 8 and in two districts were completed by Friday and in the other two by Saturday night. The total number of valid ballots cast was 114,613. This was a shrinkage of 13 per cent from the registration. Large shrinkages occurred in other Ohio cities, that of Cincinnati being 17 per cent.

The largest vote was received by Peter Witt, who chose to run in the first district, though he lives in the first. He entered political life as a worker for Tom L. Johnson, has been a candidate for mayor, and has a unique and energetic personality which at once assures that the sessions of the new council will attract attention. Clayton C. Townes, Republican, president of the present city council, was elected in the first district on the twenty-third transfer. The quota in this district was 4,110 and six were elected; one independent, five Republicans and a Democrat.

In the second district the quota was 3,104 and five seats to be filled. No one was elected with a full quota of first choices. Two Republicans, two Democrats and an independent were elected.

The third district representing central Cleveland gave Herman Finkle, the floor leader for the Republicans in the present council, a huge surplus of first-choice votes which, by transfer, elected Steve Fleming, a negro, in the present council. Maurice Maschke, the Republican boss, had taken special pains in this district and had spoken for James McGinty, a Democrat. But he had to see the election of Miss Marie Wing, who is the secretary of the Consumer's League and who was general secretary of the Y. W. C. A. for fifteen years.

In the fourth district, which is the eastern part of the city, the largest number of first-choice votes was obtained by John Sulzmann, the dean of the present council. A. R. Hatton came next with about four hundred votes over the quota of 4,201. His campaign was a very inexpensive one, costing about $50; the bulk of this went to a college student for getting signatures to his nomination petition. Mrs. Helen H. Green, county president of the W. C. T. U., was one of the other five elected.

Maurice Maschke, Republican leader, claims a majority of three for his party in the council, but

it is by including several whose independence in local affairs is a large part of their political faith. He said, "I believe the city of Cleveland has elected the best city council in twenty years. By best, I mean best equipped. Best equipped in every way." Carl D. Friebolin, president of the Citizens' League, used almost the same words in a newspaper interview, saying that it was the best city council in the last fifteen or twenty years.

The count was completed in approximately forty-six working hours. Invalid ballots amounted to 7.6 per cent of the total cast. Though a much heavier vote was cast two years ago, 20,000 more voters helped elect candidates at this than at that election. Disregarding the many who voted for winners but whose ballots were not needed to elect any of them, the number who actually shared in the election of councilmen was 85,639, or 74.8 per cent of those who cast valid ballots.

W. T. M.

✠

Results of Ohio Referendum on Important Measures.—It appears as though it will be "over the hills to the poor house" for a number of Ohio cities after 1923, as a result of the defeat of the Taft law in the recent referendum election, unless the state legislature provides Ohio municipalities with more operating revenues next year.

In 1924, certain rates for operating purposes between the 10 and 15 mills now utilized by a number of Ohio cities will lapse. These operating rates will go back inside the 10-mill limitations prescribed by the Smith one per cent law. In view of the large sinking fund requirements which have to be paid, operating levies inside the 10 mills will certainly be decreased unless the legislature grants some relief.

The city solicitors of the state are considering making an appeal for a special session of the legislature to grant the cities more operating revenues. The Taft law, which raised the limit from 15 to 17 mills for municipalities, would have afforded this relief.

This referendum measure was decisively beaten by a vote of 360,132 Yes, to 699,156 No. At the time the Ohio Real Estate Board decided to oppose the Taft law on the grounds that land was bearing too great a burden of taxation and declared that a classification tax law should be enacted, it pledged itself to support a movement for immediate revision of the Ohio tax law to afford relief to municipalities as contemplated under the Taft law. Not only the rural districts which had been expected to vote against this law, but many of the larger cities disapproved this tax measure.

The workmen's compensation amendment to the state constitution was carried by 581,907 Yes, to 514,120 No. Both labor and employers' organizations united to promote the passage of this bill, which in substance will entitle employees to state compensation in case of disability even though it results from negligence on the part of the employer. Heretofore such cases have been carried to the state courts with resulting high litigation costs to the disabled employees as well as to the employer.

Although there is considerable sentiment favoring the theory of old-age pensions, the provisions in the old-age referendum, submitted in November, were distasteful to the voters as evidenced in the result—Yes, 387,927; No, 755,179.

In the Toledo mayoralty campaign, Mayor Bernard F. Brough, present incumbent, running on a "business administration platform," decisively defeated Edward Cullen, present vice-mayor, who was supported by the so-called labor congress. The vote was 40,454 for Brough and 29,896 for Cullen. Solon T. Klotz, Socialist, received only 2,954 votes. The total number of votes for mayor was 73,204 against a total registration of 80,724, out of about 140,000 eligible voters in Toledo. Mayor Brough carried with him a friendly council and vice-mayor.

C. A. Crosser.

✠

Philadelphia Voters Authorize $71,000,000 Loan.—On November 6 the voters of Philadelphia approved two ordinances authorizing the creation of loans by the city totalling $71,000,000. One of the ordinances was for loans not exceeding $3,750,000, payable within 15 years; the other authorized the creation of loans not exceeding $67,250,000, payable within 50 years. According to unofficial reports, the 15-year proposition was carried by a vote of 214,359 to 24,381, while the 50-year one was approved by a vote of 199,900 to 22,899.

The $3,750,000 authorized to be borrowed for 15 years is earmarked for six purposes, while the $67,250,000 authorized for 50 years covers 22 purposes. Of the $71,000,000, $25,750,000 is for transit purposes, including surface, subway, and elevated lines, and also equipment therefor; $9,000,000 is set aside for construction of a

sewage disposal plant; $5,623,000 is to be used for the Delaware River Bridge, which is being financed jointly by the states of New Jersey and Pennsylvania and the city of Philadelphia; $6,000,000 is for the extension and improvement of the water supply of the city; $5,077,000 is to pay damages, including those already assessed, for opening, widening, and changing the grade of streets, construction of sewers, and condemnation of property; $2,500,000 is for land and buildings for the department of public health; $2,000,000 is to be used for wharves, docks, bulkheads, and related work; $2,000,000 is set aside for constructing and equipping an annex to city hall; another $2,000,000 is to be used toward completing and equipping the city's art museum; $2,000,000 more is for resurfacing and repaving streets; and still another $2,000,000 is to be used for the construction of main sewers; $1,000,000 is for the construction of branch sewers; $1,000,000 is to be used toward erecting, improving, and equipping free library buildings; $960,000 is to reimburse the general fund for certain capital expenditures made, or authorized to be made, therefrom; $500,000 is for bridges; $500,000 for play and athletic grounds, golf courses, swimming pools, and bathhouses; another $500,000 is for land and buildings of the department of public welfare; $500,000 more is set aside for the grading of streets; still another $500,000 is to be used toward acquiring land, buildings, and equipment for the house of detention; and the remainder, or $1,590,000, is allotted to six other purposes.

In accordance with the provisions of the city charter, all of the purposes for which the $71,000,000 is authorized to be borrowed were certified by the city controller to city council, prior to the passage of the loan ordinances, to be "capital expenditures and not current expenses." The purposes provided for in the 50-year loan ordinance were certified by the city controller to be capital expenditures with an estimated life to the city of "at least fifty years," whereas those included in the 15-year loan ordinance were certified by him as capital expenditures with an estimated life to the city of "at least fifteen years."

Other than requiring that "all money borrowed and all debts otherwise incurred . . . for repaving or improvements of a temporary kind shall be payable within the estimated or guaranteed life to the city of such repaving or such improvements as certified to the Council by the City Controller," the city charter does not limit the term of bonds to the probable life of the assets acquired through their issuance, but permits bonds to be issued for the full 50-year period which the constitution sets as the maximum for Philadelphia.

It is obvious that much of the property that will be acquired with the proceeds of the bonds approved by the voters will not have so long a life as the city controller has certified for it, but under the city charter the city controller's certifications as to the nature and life of expenditures are final, and not subject to review. The city charter did not set as high standards of borrowing as, perhaps, it should, but it went a long way toward improving those standards. When the charter was enacted the city had the right to issue 50-year bonds for any municipal purpose whatever, and the city frequently had issued 30- and 50-year bonds for ordinary current expenses. Now it can do this only through erroneous certifications, whereas formerly it was very easy to do it.

*

The Kansas City Charter Situation.—For several years, Kansas City has seemed to be on the verge of adopting a city manager charter. Every once in a while, the announcement goes out that a manager campaign is about to be started. However, Kansas City is still without a manager charter. Two years ago, a charter movement actually resulted in the election of a charter commission, but for numerous reasons, chief of which was probably lack of organization, the commission elected was an anti-manager commission. The charter submitted was a compromise, and failed of adoption.

Now it appears that another opportunity is at hand to select a commission which will write a manager charter for acceptance or rejection by the voters. The present movement developed out of a campaign for a new water-works system. Two years ago it was decided that a complete new water-supply system was immediately necessary. The voters, feeling that a program so large as contemplated should not be under the control of the present type of city organization, adopted a plan of a bi-partisan water commission, independent of the mayor and council, before they authorized the bonds for the new plant. A year ago, the supreme court decided that the amendment creating the bi-partisan water commission was unconstitutional.

As a result of this, the citizens' committee which had conducted the campaign for the adop-

tion of the amendments met to determine further steps. Among the points decided by the supreme court in the decision was that Kansas City cannot amend its charter by the initiative. The present constitutional provision relating to home rule charters permits of amendment by the initiative, but the court held that Kansas City's present charter was adopted under a previous constitutional provision which did not provide for amendment in that way. Therefore, Kansas City cannot now amend its charter, except by amendments submitted by the council. This water committee, therefore, decided that a new charter was necessary, and it reorganized as the Citizens' Water and Charter Committee. Two hundred civic, business, and labor organizations were invited to send representatives to a meeting to enlarge the committee. A considerable number responded and formed the new organization. Out of this, a committee of forty was selected to carry on further activities. This committee of forty, in turn, selected a sub-committee of seven to recommend the form of charter to be proposed by the general committee of forty.

This sub-committee, after considerable discussion and investigation, recommended a platform consisting of several points, the chief of which were a city manager charter, some form of nonpartisan election, and a small, single-house council, at least part of the members to be elected by districts.

This report met with some objection in the committee of forty, but was finally adopted at a meeting on November 5. An executive committee of nine has been authorized to conduct the campaign, secure signatures to petitions, employ whatever assistance may be necessary, and do all things to secure the election and favorable vote on the candidates pledged to this platform.

In order to put the question of whether a commission should be elected to frame a new charter on the ballot at a special constitutional election being held February 26, a petition signed by approximately 23,000 registered voters must be filed before the first of the year. If these signatures are successfully secured, and the election is called, then 30 days before the election the committee will file the names of the 13 candidates whom it proposes as members of the commission. These candidates will be pledged to the city manager platform adopted by the committee. Other groups may select other candidates, and the 13 receiving the highest votes will be elected, if the question of writing a new charter is decided affirmatively. The commission then has a year in which to write the charter and submit it to the people for ratification.

It thus appears that if the committee works hard, and if it secures a sufficient number of signatures, there will be an election on the charter question. Also, if it can convince the people that a manager charter is best, a manager commission will be elected and a manager charter written. The indications are that it will be successful, since there is now, and has been for several years, an extremely strong manager sentiment.

WALTER MATSCHECK.

*

Results of the New York Referendum.—Five constitutional amendments and a bond issue proposition were voted on by the people of New York state at the election in November. In addition, there was an important local referendum in New York city and another in Buffalo. The results show that the electorate exercised an extraordinary amount of discrimination, and certainly demonstrated that each proposition was considered independently of the others. Moreover, a rather astonishing number of people voted on the referendum questions compared to the number who voted on candidates.

The election was in an off year, only the members of the assembly and local judges being up for election. One state-wide judicial office was filled, but no interest was aroused because both of the leading parties agreed on one candidate. Attention was, therefore, to an exceptional extent, fixed on the referendum. It may be added that it is fortunate that constitutional amendments in New York are almost always submitted to the people in an off year.

The first constitutional amendment on the list permitted the issuing of bond up to forty-five million dollars for a soldier's bonus. This amendment was carried by a substantial majority in practically all the counties of the state. There was an overwhelming vote in its favor in New York city. The home rule amendment granting powers of self-government to cities, which has been before the state for at least ten years, was adopted by a substantial majority, not only in the cities, but in most counties as well.

The third amendment opening up the forest preserve for exploitation by water power and lumber interest, which was sneaked through in the very last week of the legislative session and which was bitterly opposed by conservationists,

was overwhelmed in practically every county of the state. Final figures are not available, but indicate the defeat of this amendment by a vote of between two and three to one. The majority against the amendment up state and in the rural sections was apparently even greater than the majority against the amendment in New York city. The results of this vote will have a tremendous influence, not only on the future of the state forest preserve, but also on the whole water-power question.

The fourth amendment involving the change in the taxation section of the constitution was aimed to clear the way for the adoption of a single state tax on income of public utilities. This amendment was badly worded, carried no implication of its purpose on its face, and should not have been submitted to the electorate in this form. While the vote was close, it now seems that this amendment was defeated by a small majority.

The last of the amendments permitted inmates of soldiers' homes to vote in the communities in which they had resided. There was little discussion of this amendment and it was apparently carried by a substantial majority, largely as a matter of sentiment.

The proposition for a fifty-million-dollar bond issue for state institutions was overwhelmingly carried partly as a result of a very comprehensive educational campaign in its behalf. Considering the natural aversion of the rural districts to spending state money, the affirmative vote for this proposition was very unusual, and shows that there is little fundamental difference in point of view between rural and urban communities on an important social question if this question is carefully and impartially explained.

In addition, New York city voted for an increased minimum salary for policemen and firemen by a tremendous majority and Buffalo, by a similar vote, approved a bond issue of one million dollars for a new building for the Institute of Arts and Sciences.

Some cynical observers have suggested that the people of the state are perfectly willing to vote any amount of money in the form of bond issues because the average voter does not know that bond issues have any direct effect on taxes. As a matter of fact, it is not easy to show that the relatively small state bond issues do affect the average taxpayer to any considerable extent, especially in a state in which the so-called direct tax on real property for state purposes is only used when other revenues are insufficient and bears little relation to the total amount of the annual budget.

Judging by the results of the last election, New York must be ranked among the progressive states in the successful use of the referendum device.

ROBERT MOSES.

Municipal Reporting.—Municipal reporting, its present status and its possibilities, was the subject of a seminar conducted by Professor C. E. Merriam at the University of Chicago last spring. The result of the work of that group is presented in the hope that it may act as a starting point for further investigations in the same direction.

A survey and appraisal of the reports of eight typical cities led to the conclusion that in those fields where the spoilsman remains firmly entrenched, such as elections, the judiciary and police, reports are either entirely lacking or are very inadequate; that the reports lack organization and in many cases are not indexed; that comparisons are not made with previous years or with other cities; that constructive suggestions are totally lacking; and that facts are not presented sufficiently simply and graphically to appeal to the ordinary reader. In brief, the municipal report of to-day is merely a record of current events, and usually a very incomplete and uninteresting one.

The more interesting side of the work lay in suggesting the lines along which municipal reporting might be developed. An analysis of the possible functions a municipal report might serve led to the conclusion that its most useful function would be as a measure of government efficiency. If popular government is to succeed, the voter must be able to measure the service his city is rendering him and to compare it with the service of yesterday, or with the service rendered by other cities. Such comparisons are impossible until the things to be compared have been reduced to a common denominator: in other words, until we have a yardstick or *standard* of measurement. The financial report was taken to illustrate how such standards might be developed. At the present time tax rates and per capita expenditures are our nearest approach to standards of measurement in this field. But a tax rate means nothing because of the wide variation in bases of property valuation, and per capita expenditures make no allowance for differences

in prices and wealth from time to time and from city to city. More scientific standards of measurement might be devised by taking into consideration units costs, the purchasing power of the dollar, and community income. Tons and square yards are the same the world over, and it was suggested that the unit costs of street paving, coal, etc., when properly weighted to take care of temporal and geographical fluctuations in price, might serve as the basis for comparison with costs in private business or in other cities. In the same way the general trend of the burden of government might be shown by the relation which the total expenditures over a period of years, weighted in accordance with the changing value of the dollar, would bear to community income, also weighted according to the changing value of the dollar; and that the real burden of the public debt might be shown by the ratio between the amount of the debt and community income.

Units of measurement might be worked out in other fields of administration in the same way,[1] and it is at least conceivable that at some time in the future we may be presented with an index number of government efficiency fully as useful as Professor Fisher's index number of prices.

The development of the art of presenting material so that it will appeal to the average citizen was suggested as a field offering opportunities for infinite originality. Facts must be translated into the language of the average citizen and forced upon him so graphically and persistently that he cannot forget them. Some progress was made upon an outline of a "model" year book which would contain useful information in popular form, special emphasis being placed upon the use of charts and graphs. It was also suggested that municipal "reporting" should not be confined to the publication of annual reports and year books, but that the citizen should be constantly reminded of salient facts by means of posters, car cards, movies and the radio. The reverse side of tax receipts and vouchers, pay checks, etc., might also be used for publicity purposes.

Finally the point was made that reports of all kinds should be prepared by non-partisan experts who have no personal interest in warping facts to win elections.

LOUISE OVERACKER.

[1] Progress has already been made in this direction in the fied of education. See Ayres: *An Index Number for State School Systems*, and Judd: *Survey of Education in Cleveland*.

The CONSTITUTIONALITY *of* PROPORTIONAL REPRESENTATION

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Supplement to the
NATIONAL MUNICIPAL REVIEW
DECEMBER, 1923. Vol. XII, No. 12

PUBLISHED BY
NATIONAL MUNICIPAL LEAGUE
261 Broadway, New York

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THE CONSTITUTIONALITY OF PROPORTIONAL REPRESENTATION

THIS paper will deal briefly with a fairly simple problem in the construction of state constitutions. We may rule out all questions of federal constitutional law, since there is nothing in the federal constitution or statutes which in any way prevents the states from providing for proportional representation in state and local elections. Indeed, the problem is further simplified by the fact that in the average constitution not more than two or three sections are directly involved. Chief among these provisions are those which, after stating the qualifications of voters, go on to say that voters so qualified may vote "in all elections" or "for all officers." Other sections which may be involved are those which provide for election by ballot, those which specify whether a majority or a plurality shall be necessary for an election, and those which provide for municipal control of elections.

VOTING SYSTEMS

The ordinary system of voting by ballot in this country is one in which every voter, marking his ballot with X's, is permitted to state one and only one choice among the candidates for each of the several offices which are elective within his district. If his district is one which elects three representatives in the state legislature, he may vote one choice for each of three candidates for these three separate positions, or he may vote for two or only one without spoiling his ballot. This may be called the nontransferable ballot system. Its purpose is plurality rule. True majority rule, which is a part of the popular theory of American institutions, is not only not generally required by our constitutions and laws, but it is also attained, if attained at all, only by chance. Plurality rule is, of course, a type of minority rule. A party which has a bare plurality of votes in a bare majority of the districts or wards, may get control in a legislature or a city council, although it has the support of fewer voters than some other party throughout the state or city as a whole. In case of election at large with this system of voting, a plurality party may carry off every office.

Various alternative systems of voting have been proposed and a few have been put into practice in some cases.[1] For example, there have been experiments with *limited voting* in the election of judges, police boards, excise boards, etc. This system, which is applicable only where a number of officers are to be elected from one district to identical offices, simply limits the voter to voting for one, or two, or some other number less than the whole number to be elected from the district. The purpose is to bring about minority representation, however inaccurately. *Cumulative voting* is in use in Illinois for electing the members of the lower house of the legislature, and has been attempted also in other places. Like limited voting, this system does not apply to the filling of a single office, but it differs from that system in that each voter is allowed as many votes as there are places to be filled but may bunch

[1] For more extensive discussion of these systems, see J. R. Commons, *Proportional Representation*, 2d ed; J. H. Humphreys, *Proportional Representation*.

them, or distribute them among the candidates, according to law, as he sees fit. The Bucklin or Grand Junction system of *preferential voting* may be used either for filling a single office or for electing from one district a number of members to one body. Whether applied to a single office such as that of mayor, or to such a body as a city council, its purpose is to bring about a true majority election. The *single transferable vote* system of balloting, commonly known as the Hare system, works best where a number of members are to be elected to some official body from the same district, but this system of voting and counting could also be used in filling a single office. It permits each voter to vote but one first choice, one second choice, one third choice, and so on to an unlimited number of alternative choices. In the final count, each ballot may count but once, and the election is determined by the attainment of a quota of votes of electors who unanimously agree upon the election of the candidate. The choice of X to the city council need not be by first choice votes alone, but may be brought about by the addition of some second, some third, and some additional choices, to his first choice votes. The purpose of this method of voting is to bring about proportional representation of all considerable groups of voters in such bodies as city councils, school boards, and state legislatures.

It is not only such social reforms as child labor laws and minimum wage laws which have had to submit to the test of constitutionality in this country. Political reforms, such as primary election laws, voting machine laws, the registration of voters, corrupt practices acts, the initiative, the referendum, and the recall, have all been subjected to the same judicial scrutiny. The decisions which have passed upon the four newer forms of voting, briefly sketched above, are few in number, but highly important. They must all be considered here, since the courts have treated these methods of balloting as being similar to each other, and have applied to them substantially the same tests.

LIMITED VOTING—THE CONSTANTINE CASE

The system known as "limited voting" was tried at different times during the last century in New York City, Boston, and other American cities,[2] but there was no decision passing directly upon the question of constitutionality until 1884. By an act passed early in that year the Ohio legislature provided for police boards in certain cities to consist of the mayor and four commissioners, the latter to "be elected by the people," with the proviso that "no elector shall at any election vote for more than two persons for such commissioners, and any ballot containing the names of more than two persons for said office shall not be counted for any of the names thereon, and the four persons receiving the highest number of votes cast, shall be declared elected." The purpose clearly was to give minority party representation upon the board, but the act was attacked in the courts for illegally limiting the rights of voters.[3] The Ohio constitution of 1851, then in force, provided that each qualified elector "shall be entitled to vote at all elections."

The supreme court held the act unconstitutional. It said that under the constitution

[2] McBain, *Proportional Representation in American Cities*, P. S. Q., 37: 281–298, 284–5; A. S. Bard, Matter bearing on the constitutionality of proportional representation in New York, etc. (typewritten), issued by P. R. League, Nov. 21, 1922.

[3] *State ex rel.* v. *Constantine* (*1884*), 42 Ohio St. 437, 51 Am. Rep. 833.

we have no doubt that each elector is entitled to vote for each officer, whose election is submitted to the electors, as well as on each question that is submitted. This implication fairly arises from the language of the constitution itself, but is made absolutely certain when viewed in the light of circumstances existing at the time of its adoption. No such thing as "minority representation" or "cumulative voting" was known in the policy of this state at the time of the adoption of this constitution in 1851. The right of each elector to vote for a candidate for each office to be filled at an election had never been doubted. No effort was made by the framers of the constitution to modify this right, and we think it was intended to continue and guarantee such right by the provision that each elector "shall be entitled to vote at all elections." Such right is denied by this statute which provides for the election of four members of the board of police commissioners, but denies to any elector the right to vote for more than two persons for such commissioners.

This decision is important because it is the first of a series directly affecting the constitutionality of the Hare system of voting. It asserts something to have been probably intended by the convention of 1851 without quoting a word from the debates of that body. As a matter of fact, in the year 1850 the Ohio supreme court had handed down a decision sustaining an act which authorized special negro school districts in which only negroes could vote although taxes could be levied upon the property of all.[4] This decision almost directly answers the assertion that "each elector is entitled to vote for each officer, whose election is submitted to the electors" in the geographical district. It may be admitted, as is said in the Constantine case, that "No such thing as 'minority representation' or 'cumulative voting' was known in the policy of this state at the time of the adoption of this constitution in 1851." That being the case, quite obviously that constitution could neither authorize nor forbid the system of limited voting. It was simply a thing unknown, or practically unknown, at that time. To give this as a reason why there should never be any change in the system of voting by the legislature is tantamount to saying that things must remain as they are in practice, without regard to what the constitution requires them to be, until the constitution itself makes a change. The legislative power is thus reduced to almost nothing. The "dead hand" of the constitution is extended not only to all things which the framers knew about and forbade, but also to all things which they did not even know about!

In 1898 the judges of the Rhode Island supreme court were asked to give their opinion upon the constitutionality of a bill to provide for the election of the town council of the town of Cumberland upon a general ticket, with the proviso that "one person only shall be voted for by any one elector," and that "the five candidates receiving the highest number of votes shall be declared elected." The judges unanimously replied as follows:[5]

We are of opinion that such an act would not be constitutional. Section 1 of article 2 of the constitution confers upon the persons possessing the qualifications therein specified the right to vote in the election of *all* civil officers, and on all questions in all legal town or ward meetings, and section 1 of article 7 of the amendments to the constitution also confers upon all persons who shall be qualified in accordance with the provisions thereof the right to vote in the election of *all* civil officers, and on all questions in all legally organized town or ward meetings, . . . It will be readily seen, therefore, that such an act as the one proposed would materially restrict the right to vote thus conferred upon electors, and hence would be clearly unconstitutional.

It will be observed that the Rhode Island constitutional provisions are

[4] *State ex rel. Eastern and Western School Districts* v. *City of Cincinnati (1850)*, 19 Ohio 178.

[5] Opinion of the Judges (1898), 21 R. I. 579 41 Atl. 1009.

distinctly different from those in Ohio, in that the former specifically say that the qualified elector may vote for "all civil officers and on all questions" in the respective voting districts. The New Jersey constitution has a similar provision, which declares that in his district every qualified voter "shall be entitled to vote for all officers that now are or hereafter may be elective by the people." When the same question came up in two New Jersey cases, therefore, the supreme court of that state held that a provision for limited voting for excise commissioners in cities was "plainly an infringement" of the voter's constitutional right.[6] "The constitutional mandate," the court said, "is clear and distinct." Some reliance was placed upon the Constantine case.

The only court which has taken a contrary view on the question of limited voting is that of Pennsylvania.[7] The 1874 constitution of that state provides that qualified voters "shall be entitled to vote at all elections," exactly as in the Ohio constitution of 1851. The Pennsylvania constitution of 1838 used substantially the same language. By an act passed in 1895 the legislature created a superior court, under the supreme court and of state wide jurisdiction, to consist of seven judges. The latter were to be elected by the people of the entire state, but "No elector may vote . . . for more than six candidates upon one ballot for the said office." This provision guaranteed a minimum of minority representation upon the bench. The act was assailed in the courts as an infringement upon the right of voters. . . . The court stated the question as being this: whether the right to vote at all elections should be construed to "include an absolute right to vote for every candidate (*sic*) of a group of candidates for the same office?" To answer this question in the affirmative, said the court, would be equivalent to enlarging the scope of the words "vote at all elections" by adding thereto the words "also for every candidate of a group of candidates for the same office." This the court refused to do. "The constitution does not say so and has never been interpreted to so mean." The court then reviewed the history of legislation upon this point, and pointed out that limited voting had been used for the election of inspectors of elections (1839), for the election of jury commissioners (1867), and for the election of delegates to the constitutional convention (1872).

The attorneys argued, however, that since the Pennsylvania constitution itself establishes limited voting for the election of supreme court judges, county commissioners, the magistrates of Philadelphia, and inspectors of elections, under the maxim *expressio unius exclusio est alterius*, such a system of voting would be forbidden in other cases. The court held that this maxim did not apply. "In the cases specified the constitution is mandatory; it says to the legislature in these, enumerating them, thou shalt prescribe the limited voting plan; in the cases not enumerated but of the same kind it is discretionary." In general the court took the sound view that legislative competency is plenary, in the absence of clear constitutional prohibitions; and it refused to import into the words of the constitution a meaning which does not appear upon their face.[8]

[6] *McArdle* v. *Jersey City* (*1901*), 66 N. J. L. 590, 49 Atl. 1013, 88 A. S. R. 496; *State ex rel. Bowden* v. *Bedell* (*1902*), 68 N. J. L. 451, 53 Atl. 198.

[7] *Commonwealth ex rel. McCormick* v. *Reeder* (*1895*), 171 Pa. St. 505, 33 Atl. 67, 33 L. R. A. 141.

[8] While there is no decision of the New York courts which passes finally upon the constitutionality of limited voting, several cases have

CUMULATIVE VOTING

The leading case on cumulative voting was decided in Michigan in 1890.[9] The Michigan constitution at that time required that representatives in the state legislature should be chosen by single districts. At the same time, no township or city could legally be divided in the formation of representative districts. When any such place had a population sufficient to entitle it to two or more representatives, "then such township or city shall elect, by general ticket, the number of representatives to which it is entitled." In 1889 the legislature enacted

> That, in all elections of representatives to the state legislature in the districts where more than one is to be elected, each qualified elector may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same among the candidates as he may see fit, and the candidates highest in votes shall be declared elected.

The Grand Rapids district was entitled to two representatives. It appears that 13,164 voters cast their ballots at the election in that city. The Democrats, over 7,000 in number, appear to have voted generally for two candidates, W. and H., giving one vote to each. The Republican voters, over 5,000 in number, in many cases voted "2" for Maynard, giving him 5,374 separate ballots, but a total "vote" of 8,368. The canvassers refused to count the ballots in the manner provided for by the statute. Maynard was credited with only 5,374 votes. W. and H., with over 7,000 each, were declared elected. Thereupon Maynard sought a writ of mandamus to compel the canvassers to certify his election.

The court held the act unconstitutional. It admitted that there was no express provision of the constitution to invalidate the statute, and it is difficult to ascertain just what provision of the constitution was construed to imply a prohibition. In general, however, the provisions quoted above as to the election of representatives, and the further provisions that "In all elections every male citizen . . . shall be an elector and entitled to vote," and that "all votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen," appear, separately and in combination, to have given the court its cue. The learned chief justice wrote that the state constitution was intended to guarantee

> a representative form of government. The foundation of such a system of government is . . . that every elector entitled to cast his ballot stands upon a complete political equality with every other elector, and that the majority or plurality of votes cast for any person or measure must prevail. All free representative governments rest on this, . . . It is the constitutional right of every elector, in voting for any person to represent him in the legislature, to express his will by his ballot, and such vote shall be of as much influence or weight in the result, as to any candidate voted for, as the ballot and vote of any other elector. The constitution does not contemplate, but by implication forbids, any elector to cast more than one vote for any candidate for any office. *This prohibition is implied from the system of representative government provided for in that instrument.* (Italics the author's.)

Since the system of representative government is nowhere mentioned in the Michigan constitution, one is tempted to quote the words of that other distinguished former member of the Michigan supreme court, Mr. T.

involved systems of limited voting. *Demarest* v. *Wickham* (*1875*), 63 N. Y. 320; *People ex rel. Watkins* v. *Perley* (*1880*), 80 N. Y. 624; *People ex rel. Woods* v. *Crissey* (*1883*), 91 N. Y. 616; *People ex rel. Angerstein* v. *Kenney* (*1884*), 96 N. Y. 294. See also *Rathbone* v. *Wirth* (*1896*), 150 N. Y. 459.

[9] *Maynard* v. *Board of Canvassers* (*1890*), 84 Mich. 228.

M. Cooley, to the following effect:

> Nor are the courts at liberty to declare an act void, because in their opinion it is opposed to a *spirit* supposed to pervade the constitution, but not expressed in words. "When the fundamental law has not limited, either in terms or by necessary implication, the general powers conferred upon the legislature, we cannot declare a limitation under the notion of having discovered something in the *spirit* of the constitution which is not even mentioned in the instrument."

In this case, however, the court did have something a bit more secure and obvious to hang its decision upon than the vague expression "system of representative government." It went on to say that the requirement of a "general ticket" in the election of two or more representatives from one city was a reasonably clear prohibition of cumulative voting in such places, for otherwise the rights of voters in plural districts would be different from those of voters in single districts, which the court considered contrary to the constitution. In every district a voter is entitled to vote and have his vote counted, for each officer who is to represent him. Even this reasoning is not entirely conclusive, however; for if voters within any district have equality of voting right as among themselves, it can make little difference if voters in other districts have different rights as among themselves.

One of the five judges thought that the question of constitutionality was not a proper one to consider in this case. The fifth judge wrote a vigorous and cogent dissent. In his opinion the court had based its decision not upon a question of law but upon its views as to the wisdom or policy of the legislation. He thought it was not for the court to instruct the legislature as to what is involved in a republican form of government. The majority had suggested that cumulative voting could be validated only by a constitutional amendment; but the dissenting judge pointed out that if that system violated the "republican form of government," not even an amendment to the state constitution could validate it. He denied that cumulative voting gave unequal rights to electors. He disagreed with the assertion that the constitution guaranteed majority rule, or anything like it, or that majority rule was essential to a representative form of government. He said, however, that all this argument had nothing to do with the case. The legislature had decided all these points, and the court had no power to pass upon the merits of the legislation. The legislative power was vested in the legislature. "The legislative power so vested is *all* the power before inherent in the people, subject only to such limitations as are expressly or by necessary implication contained in the constitution." Courts, he declared, have no power to declare acts void because they violate some "undefined spirit of the constitution."

The Illinois constitution provides for cumulative voting in the election of representatives. Without such express constitutional authority the legislature provided in 1889 for the establishment of sanitary districts, and for the election of trustees therein by the cumulative system. This method of voting was optional, however; no voter was compelled to cumulate his votes. The act was held valid, but the exact reason for the decision is not clear.[10] On the one hand the court considered the fact that sanitary districts are not created by or mentioned in the constitution. They exist only by statutory creation and can be organized only as required by statute.

> There is no provision of the constitution requiring elections, generally, to be by a majority of persons voting, but in each article of the con-

[10] *People ex rel. Longenecker* v. *Nelson* (*1890*), 133 Ill. 565.

stitution, certain officers are named, and as to those there are required to be elections, but as to other officers not named, there is no requirement or restriction in this respect.

Indeed such officers as are unknown to the constitution might be either appointed or elected.

It must follow, that since there is no restriction upon the General Assembly in regard to the mode of election of drainage trustees, it was discretionary with it to provide for their election by cumulative vote.

The court considered also the fact that cumulative voting was not compulsory under the act.

If the act had made the cumulation of votes compulsory, a very different question would have been presented. In that case each voter would be deprived of the privilege of voting at the election of a part of the officers to be elected, and to that extent would be excluded from his constitutional right.

This statement must, however, be considered as essentially a dictum.

These are the only decisions on the question of the constitutionality of cumulative voting.[11] The Maynard case is important because it has served as a guide in later cases involving *other* methods of voting. It is unfortunate that the system should have been tried out under such inauspicious circumstances in that instance. The attempt to apply the cumulative method where only two representatives were to be elected resulted, practically speaking, in giving one member to each party no matter what the inequalities in numbers between them. This is not an attempt to justify the decision, however.

PREFERENTIAL VOTING

About 1913 there were several experiments with preferential voting. There was no decision on the constitutionality of the system as applied in Cleveland.[12] Under the Duluth charter of 1912–13, the mayor, four city commissioners, and municipal judges were to be elected by the preferential ballot, primaries being done away with. In voting for city commissioners, no vote was to be counted unless the voter cast as many first choice votes as there were places to be filled. If he voted for only three or two or one, his vote would be cast out. To many persons this would appear to be a serious limitation of the right of voters to vote, yet it was sustained by a unanimous court.[13] The power of home rule cities to regulate their own elections, subject to the constitution, was fully upheld.

With the wisdom of these charter provisions we have no concern. They emanate from the authority having power to legislate generally as to such matters. They are the law unless they run contrary to some higher law. The state constitution is such a higher law.

The litigants were not fully satisfied with the first decisions. In a later case they presented squarely the question of the constitutionality of preferential voting.[14] Following the argument of this question, the court declared the system to be in violation of the Minnesota constitution.

When the constitution was framed, and as used in it, the word "vote" meant a choice for a candidate by one constitutionally qualified to exercise a choice. Since then it has meant nothing else. It was never meant that the

[11] But see also *State ex rel. Shaw* v. *Thompson* (*1911*), 21 N. D. 426, 131 N. W. 231, where a statute was held not to provide for cumulative voting.

[12] In the case of *Fitzgerald* v. *City of Cleveland* (*1913*), 88 Ohio St. 338, involving the Cleveland charter of 1913, the question was raised but not directly decided. An evenly divided court upheld the right of cities to regulate their own elections.

[13] *Farrell* v. *Hicken* (*1914*), 125 Minn. 407, 147 N. W. 815; *McEwen* v. *Prince* (*1914*), 125 Minn. 417, 147 N. W. 275.

[14] *Brown* v. *Smallwood* (*1915*), 130 Minn. 492, 153 N. W. 953.

ballot of one elector, cast for one candidate, could be of greater or less effect than the ballot of another elector cast for another candidate. It was to be of the same effect. It was never thought that with four candidates one elector could vote for the candidate of his choice, and another elector could vote for three candidates against him. The preferential system directly diminishes the right of an elector to give an effective vote for the candidate of his choice. If he votes for him once, his power to help him is exhausted. If he votes for other candidates he may harm his choice, but cannot help him. Another elector may vote for three candidates opposed to him. The mathematical possibilities of the application of the system to different situations are infinite.

This decision, it will be observed, goes directly to the question of equality of voting right among voters in the same voting district. This is the fundamental problem. The Minnesota constitution provides that in his district every qualified voter shall, at any election, "be entitled to vote . . . for all officers that now are, or hereafter may be, elective by the people" at such election. While this language does not expressly say that every vote shall be equal to every other, there can be little doubt that such was the intention of the language. It is important to note, however, that there is no system of voting which absolutely guarantees to every voter, no matter how ignorant, or indifferent, that his vote will be absolutely equal to that of every other voter. He may vote ignorantly; he may fail to vote upon certain offices; he may mismark his ballot; he may entirely fail to exercise his voting right. If he does any of these things, his vote is in fact worth less than that of other voters. It may be worth nothing. The law cannot prevent that, but neither should it encourage inequalities. Does the system of preferential voting do the latter? The answer would seem to be in the affirmative. The elector who votes only first choice in many cases votes most effectively. The one who votes first, second, and third choices has relatively less chance of electing his first choice candidate, since his second and third choices must be for candidates other than his first choice, and this probably means for rival candidates.

In the same year the New Jersey supreme court reached the opposite conclusion with reference to preferential voting.[15] The requirements of the statute involved in this case were almost identical with those of the charter in the Duluth case. The New Jersey and Minnesota constitutional provisions are also practically identical. The decision in New Jersey was rendered by a single justice, as required by statute in the particular proceedings. The justice ruled in the first place that it was constitutional to require a voter to vote as many first choices as there were places to be filled, on the ground that the voter has no constitutional right to fail to vote, nor has he any constitutional right to advance the cause of any particular candidate by voting for him alone. On this point the justice followed the Minnesota decision, but on the preferential feature of the law he departed widely from the Minnesota court. The question was whether the second and third choice provision did not authorize the voter to vote for more officers than there were places to be filled, in violation of the constitution. We quote the answer of the justice:

The manifest purpose of the act is to ascertain the preferences of a majority of all the voters participating in any such election, and to give effect to that preference rather than to determine the result by a plurality vote. The court cannot pass upon the policy of such legislation; . . . The conclusion I have arrived at is, that it is only

[15] *Orpen* v. *Watson* (*1915*), 93 Atl. 853, 87 N. J. L. 69.

the choice votes which go to make a majority that are counted as effective votes, and as no voter can vote for the same person but (more than) once in expressing his different choices, he can in no way cast more than one vote which can be counted for each office to be filled, because none of his other votes enter into or influence the result. If the person for whom he votes as his first choice has a majority of that class of votes, and recourse is not had to the second choice votes, no second choice vote of his has any effect, and so if his second choice votes enter into the majority, all of his first choice votes are void so far as they affect any result. It is perfectly clear that under this method of canvassing votes to ascertain where the majority rests, the ballot of any voter can only be counted once for any one candidate. Therefore, the voter has not cast a vote for two persons for the same office in violation of any implied prohibition of the constitution on this subject.

This decision was rendered without reference to the earlier New Jersey decisions on limited voting. Stress is laid upon the fact that the successive stages in counting of votes must be kept distinct. If any candidates receive a true majority on the first count, i.e., on the count of first choices, they are elected, and there is nothing more to be done as to them. If it becomes necessary to resort to second choice votes in order to fill the entire number of places by majority votes, there is still no feature of cumulative voting involved, since no voter may vote a second or third choice for any candidate for whom he cast a first choice vote. If the system is to be attacked, therefore, it must be either upon the ground mentioned in the Duluth case, or upon one of the following: That it rejects the principle of plurality elections, which is embedded in some state constitutions; or that it makes alternative second and third choice votes equal in value to first choice votes when it is necessary to count the former in order to ascertain the true majority. The New Jersey decision did not consider these two points.

There have been several other decisions in which systems of preferential voting have been considered, but they are not of importance here. One arose out of an attack upon the Portland, Oregon, charter of 1913, which provided for preferential voting in the election of the city commission.[16] In this case it was necessary for the court to decide only that a charter adopted by the voters of a city has the same standing as a law. The state constitution authorizes the establishment by law of the system of preferential voting.

The other two cases involved the use of the preferential system in primary elections.[17] Of course, a primary election is designed merely to select certain of the stronger and more popular candidates as nominees, whose names shall appear on the ballot. A primary election is not an election to office, and does not come under the ordinary constitutional rules as to elections. One of the purposes of the Hare system of voting, as well as of the preferential system, is to avoid the necessity of holding the primary election. This is done by permitting the voter to express all his choices at one time on one ballot, instead of compelling him to appear at the polls several times to do this. In Duluth, when preferential voting at the election was declared invalid, it was necessary to restore the primary election. When this was done, the primary itself was made preferential.

THE HARE SYSTEM—THE KALAMAZOO CASE

We come then to the decisions involving the constitutionality of what is known as "proportional representation." It would be more accurate to

[16] *State ex rel. Dunlway* v. *Portland* (*1913*), 65 Ore. 273, 133 Pac. 62.

[17] *State ex rel. Zent* v. *Nichols* (*1908*), 50 Wash. 508, 97 Pac. 728; *Adams* v. *Lansdon* (*1910*), 18 Idaho 483, 110 Pac. 280.

speak, in this country, of the system of the single transferable vote. The *result* of the use of this system should be proportional representation, but the same result can be obtained with more or less accuracy by other voting systems.

The Kalamazoo case was the first to be decided.[18] The 1918 home rule charter of that city, provided for a council of seven to be elected from the entire city as one constituency by the Hare system of voting. The Michigan constitution provides that "In all elections (every qualified person) shall be an elector and entitled to vote" in the district where he has residence. It is also provided that "All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen." Cities have the power to frame, adopt, and amend their charters, but "No city or village shall have power to abridge the right of elective franchise." In the Maynard case, explained above, the question involved was the constitutionality of cumulative voting in the election of representatives where the constitution provided for their election on a "general ticket."

The decision contrary to the Hare system in the Kalamazoo case was based primarily on the ground that, if seven councilmen were to be elected from the city at large,

> Each elector had the right to vote for seven candidates, by a vote not only "of equal effect with, and no more than, the vote of every other elector for every officer to be elected," but of equal potential value as to each of the seven candidates to be voted for. The Hare system limits his power to express his preference "in this manner" to but one candidate of the seven, only permitting him to express a second choice for one other, and so on by numerically dwindling and weakening choices until the elector has expressed thus "as many choices as you (he) please." . . . While each voter can under the Hare system vote for all candidates to express sequential choices as provided, it is evident that his vote is primarily and positively effective for only one candidate.

It will be readily seen that the Michigan court, in construing the state constitution, has practically added to the words "In all elections (every qualified person) shall be an elector and entitled to vote" the words "for every officer who is made elective within the district." It is not enough that there shall be equality among voters. Practically speaking, this decision is a guarantee of plurality rule. In other words, while other states have found it necessary to write into their constitutions in express words the right of the voter to vote for "all officers" and the right of the greater number to rule, in Michigan the court has practically written these words into a constitution which contains neither provision.

At the same time the court had certain additional considerations in mind. It quoted the provisions forbidding cities and villages "to abridge the right of elective franchise." It is probable, however, that an act of the legislature establishing the Hare system would have been given equally short shrift. It enlarged also upon the element of chance in distributing surpluses, which was assumed by the court to result in some cases in making votes of somewhat unequal value.

> An actuary, mathematically skilled in the application of the doctrine of chances to financial and other affairs, might work with confidence upon the possibilities of this system, but to the non-expert there is force in the *dictum* of the *Maynard Case* that it appears "too intricate and tedious to be adopted for popular elections by the people."

It asserted that the Hare system is similar to preferential voting, and subject to the same objections as were

[18] *Wattles ex rel. Johnson* v. *Upjohn* (1920), 211 Mich. 514, 179 N. W. 335.

pointed out in the Duluth case. To the argument of counsel that the district to be considered was not the entire city as a geographical unit, but the single unanimous-consent district, "based on common opinion instead of arbitrary geographical lines," the court gave ear but not assent, saying that,

> however alluring in theory, such intangible, undefined, theoretical demarkation by similar thought or views is not a legal substitute for what is in law recognized to be a voting constituency or geographically defined representative district, as the right of franchise has become established under our constitution.

THE SACRAMENTO CASE

The next final court decision upon this question was that filed in California.[19] There the supreme court, without assignment of reasons, refused to entertain the petition of counsel for the city of Sacramento for a rehearing of the case previously decided adversely to the city by the district court of appeal. We must, therefore, rely upon the decision of the latter as authoritatively stating the law in that state. The Sacramento charter provided for the Hare system, under the ordinary rules, for electing the city council of nine members from the city at large. It was attacked as violating the voter's right "to vote at all elections which are now or may hereafter be authorized by law." It was the assertion of the court that

> The constitutional right to vote would be a barren privilege if the legislature could limit its exercise to one office or one proposition to be voted on. The right to vote "at all elections" includes the right to vote for a candidate for every office to be filled and on every proposition submitted. The election of nine members of the city council is the election of persons to nine offices as fully as if the offices were distinct in name and in the duties to be discharged, and it is as far beyond the legislative power to limit the elector to the right of voting for one candidate therefor as it would be in the election of state or county officers.

The citations of authority go back to the limited voting case of *State* v. *Constantine*, and include also the cumulative voting cases and the preferential voting cases. Chief reliance was placed, however, on the decision in the Kalamazoo case. The court of appeals decision in the Cleveland case was distinguished on the ground that in that state cities "are given the right of local self-government in the broadest sense." The court found comfort, also, in the statement in McCrary on Elections "that minority representation and cumulative voting can be provided for only by constitutional provision."

A considerable portion of the decision was given over to a consideration of the question whether the home rule provisions of the California constitution do not authorize cities to regulate their own elections to the extent of providing for the Hare system. The court said that the answer to this question would depend upon the construction of section 8½ of Article XI, which is, in brief, as follows:

> It shall be competent in any charter framed in accordance with the provisions of this section, or section eight of this article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers . . . shall be elected or appointed.

The court pointed out, however, that the local charter must be "consistent with and subject to" the constitution. It also reasoned that "the manner in which" and "the method by which" officers shall be elected did not

[19] *People ex rel. Devine* v. *Elkus*, Cal. District Court of Appeal, Third District, Oct. 23, 1922; petition for rehearing denied by supreme court (1922), 211 Pac. 34.

relate to the designation of the persons who should be electors, nor to the abridgment of "the constitutional right of qualified electors to vote." "Certainly by the adoption of section 8½, the people have not 'expressed with irresistible clearness' an intention to infringe and overthrow the fundamental right guaranteed by the constitution to every qualified elector of voting at all elections." It might well be asked whether the right to vote "at all elections" expresses with irresistible clearness the right of every voter to vote by the old method, and by the old method alone, for every office elective within the district. There is one provision in the California constitution which, in the writer's mind, bears directly on the question involved in the Sacramento case, but which for some reason was not cited in the appellate court's decision. The provision reads as follows:

> A plurality of votes given at any election shall constitute a choice where not otherwise directed in this constitution; *provided*, that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of this constitution to provide the manner in which their respective officers may be elected, and to prescribe a higher proportion of the vote therefor.

This section must mean something, and it would seem to authorize cities to provide for other than plurality elections, which is the most important point involved.

THE CLEVELAND CASE

The decision of the Ohio court of appeals in the Cleveland case preceded the California decision by a few months.[20] The question was whether the provision of article 5, section 1, that each properly qualified elector shall "be entitled to vote at all elections" (this language being the same as in the California constitution) forbade a city operating under a home rule charter to provide for the Hare system of voting. The court answered this question as follows:

> If this fifth article of the constitution stood alone and was the sole measure of constitutional power in the case at bar the Constantine case might be deemed authoritative. The fifth article of the constitution, however, is not operative when it comes in conflict with Article XVIII. This is true not only because by the schedule (the) older provisions of the constitution must yield to the newer, but because the general must yield to the particular.

The court then proceeded to review several earlier Ohio decisions, in one of which it was held that the power conferred upon the legislature to create schools included the power to authorize women, in addition to men, to vote in school elections; and in another of which it was ruled that under article 18 a home rule city might extend to women the right to vote for municipal officers under the charter.[21]

> The fact, therefore, that a given elector may in the first instance vote for but one candidate, and in many instances will be limited to voting for one only, presents no constitutional difficulty.

The court went on, quite unnecessarily, to explain the rights of voters under the Hare system. It answered the charge that the system was "vague, indefinite, and incomprehensible" by saying that while it did present some difficulties for the judges of elections,

> On the part of the elector but little more is required than in voting the present judicial ballot. . . . Most of the electors will not be election officials, and it is no more important that they understand the methods of tabulating

[20] *Reutener* v. *City of Cleveland*, Ohio Court of Appeals, Eighth District, May 6, 1922. The writer has used a typewritten copy of the decision.

[21] *State ex rel. Mills* v. *Board of Election of City of Columbus* (*1895*), 9 Ohio C. C. 134; affirmed in 54 Ohio St. 631; *State ex rel. Taylor* v. *French* (*1917*), 96 Ohio St. 172.

the votes than it is that voters understand the mechanism of the voting machines in those states where the latter are employed.

The court recognized, also, that an element of chance enters into the distribution of transferable ballots, and that there was a possibility that in some cases "a particular elector's voting strength (may be) used directly against such elector's expressed desire." This unproved and highly questionable assertion was followed, however, by this compensatory remark:

It must be remembered, however, that the plan as a whole extends the elector's rights and opportunities. In compensating for the possibility that the plan will operate against his desires, in some instances, is the probability that on the whole he has more adequately expressed himself by exercising all his rights under the new plan than if he had exercised all his rights under the old plan. Whether or not he is paying too much for the added privilege of expressing his second and successive choices is, after all, a question that this court cannot determine.

It will be understood that the statements here quoted are entirely dictum.

In affirming this decision the Ohio supreme court definitively established the constitutionality of the Hare system as provided for in the Cleveland charter.[22] The supreme court, like the court of appeals, really based its decision upon the proposition that the power of home rule cities under article 18 of the constitution is not subject to the provision in section 1 of article 5 that each elector shall be "entitled to vote at all elections."

To hold valid this system of voting adopted by the people of Cleveland, is merely to carry out the plain meaning of the constitutional provision that municipalities shall have all powers of local self government, and to give effect to the power which rightly takes precedence over all statutes and court decisions,—the will of the people, as expressed in the organic law.

[22] *Reutener* v. *City of Cleveland* (*Ohio, S. C., March 6, 1923*). The writer has used a typewritten copy of the decision.

The Kalamazoo case was distinguished on the ground that in Michigan municipal home rule charters are "subject to the constitution and general laws of the state."

There are interesting dicta in the supreme court decision, a few of which may be quoted. After quoting the provision that each voter may vote at all elections, the court said:

On the face meaning of this section, the Hare system of proportional representation does not violate the Ohio constitution, for the elector is not prevented from voting *at any election*. He is entitled to vote at every municipal election, even though his vote may be effective in the election of fewer than the full number of candidates and he has exactly the same voting power and right as every other elector. The plaintiff in error, however, claims that the case of *State* v. *Constantine* . . . is an authority binding upon this court in his favor. . . . This case is certainly an authority against the proposition of the defendant in error. The slight circumstance that cumulative voting was condemned in the Constantine case, while it is proportional representation that is here attacked, does not greatly differentiate the cases. *State ex rel.* v. *Constantine*, however, extended the plain language of the constitution far beyond the word meaning of the provision contained in Article V, Section 1. To the clause "shall be entitled to vote at all elections," it added a clause,—"and for a candidate for each office to be filled at each election."

The court then proceeded to discuss the home rule provision.

It is entirely clear that the friends of the Hare system will be wise not to rely too confidently upon their success in Ohio. It is a splendid thing for them to have been able to establish the constitutionality of the system in a large city in a pivotal state, but the decision is hardly in the class of exportable commodities. There will be few opportunities to use it in other states. Even in other home rule states, such as California and Michigan, the decisions have already gone squarely against the system, while in Min-

nesota also a home rule state, there is a decision on preferential voting which has been construed by the attorney general of the state to be broad enough to forbid the Hare system of voting.[23]

THE CONSTITUTIONAL RIGHTS OF VOTERS

Enough has been said in the preceding paragraph to show how unsatisfactory is the law on this important question. The question is, What is a sound construction of the state constitutional provisions on the right of electors to vote? These provisions are to be found in many different forms, but it may be said in advance that in no state constitution is there any *express* prohibition of proportional representation or limited, cumulative, or preferential voting.[24]

1. There are at least six constitutions (Del., Minn., Mont., Nev., N. J., N. Y.,) which provide, with slight variations in language, that every elector shall be "entitled to vote *for all officers* that now are or hereafter may be elective by the people." Four of these constitutions add "and upon all questions which may be submitted to the vote of the people." (Del., Mont., Nev., N. Y.)

2. Eleven constitutions provide that each elector shall be "entitled to vote *at all elections.*" (Cal., Col., Ind., Iowa, Md., Mo., Ohio, Ore., Pa., Wash., W. Va.) The constitution of New Mexico says: "qualified to vote at all elections for public officers." The Florida provision is: "be deemed a qualified elector at all elections under this constitution."

3. The constitutions of Arkansas and Wyoming provide that every qualified elector shall be entitled "to vote *at any election* in the state," and the Louisiana constitution has the same provision with certain exceptions. In Alabama and North Carolina the wording is: "entitled to vote at any election by the people." In Illinois the provision reads: "entitled to vote . . . at any election." In Georgia and Michigan the provisions read, with slight verbal differences, "shall be an elector and entitled to register and vote at any election by the people."

4. Three constitutions (Conn., Ky., Neb.) provide simply that every person with certain qualifications "*shall . . . be an elector,*" or voter. Seven others provide that each such person shall be a "qualified elector" or voter. (Ida., Kan., Miss., N. D., Okla., S. D., Wis.) In six of these constitutions (Kan., Ky., N. D., Okla., S. D., Wis.), the residence requirements are so stated that the provision may mean that the qualified voter is entitled to vote *at any election.*

5. In four states the bills or declarations of rights have the provision that every qualified person shall "*have an equal right to elect officers,* and to be elected." (Mass., N. H., S. C., Vt.) In the same constitutions are other provisions more particularly defining the qualifications of voters, and stating in some cases the titles of offices which may be filled by election.

6. The provisions on the points here involved in the constitutions of Arizona, Louisiana, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, Oregon, Rhode Island, South Carolina, Texas, Utah, and Virginia, are either so scattered, or so complicated, or so unusual in some respect, as to call for separate discussion. Unfortunately there is no place here for this discussion.

What the writer wishes to emphasize by this brief summary is the fact that the pertinent provisions in the different

[23] Opinion rendered Dec. 1, 1921; see *Minnesota Municipalities,* 7:81–85.

[24] The constitutional provisions can be found *in extenso* in Kettleborough's *State Constitutions.*

state constitutions are not identical. In the main they fall into the six large groups outlined above, but even within the groups there are differences in statement which may mean differences in meaning or intention. It is not accurate to say that there is any uniform common or constitutional law upon the points involved. In each state the question must be studied from the point of view of the constitutional history and phraseology of that particular state.

At the same time, if we go far enough back, we shall find a common historical background. In each state to-day, with certain express exceptions in a few states, there is a uniform set of qualifications for all voters. In colonial days, however, the law and the practice were almost exactly the opposite.[25] In a single borough or city, different persons might be entitled to vote as the result of having different qualifications. As between several boroughs in the same colony, there might be still other differences. People living outside of the incorporated towns or boroughs could qualify as voters in ways which did not conform to those known within such places. A voter might be qualified to vote for certain officers, and not for others. Indeed, diversity was the rule rather than uniformity. This was not so true in New England as elsewhere, but in no single colony in early colonial days could one point to one single set of electoral qualifications of uniform application in all places and to all persons. There were different classes of voters for different purposes. Instead of equality there was inequality. Such tests as existed related to property ownership, freemanship, conformance to religious standards, residence or attachment to the place, and other factors.

[25] See A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America*, and C. F. Bishop, *History of Elections in the American Colonies*.

THE RIGHT TO VOTE "FOR ALL OFFICERS"

The long struggle between the colonists and the agents of the king which culminated in the Revolutionary War was to some extent a leveling movement. At least some of those who participated looked forward to a society in which the aristocracy would have lost its power, and in which men would be politically equal. The first state constitutions did not reflect any immediate success for this movement. In the New York constitution of 1777 a distinction was made between those who could legally vote for representatives and those who could vote for senators. Any male person who had a freehold of the value of 20 pounds, or who was a taxpayer and rented a tenement to the value of 40 shillings per year, was permitted to vote for representatives. On the other hand, none could vote for state senators unless he had a freehold of the value of 100 pounds.[26] The upper house was distinctly designed to be the representative of the propertied interests. In the constitutional convention of 1821 there was a strong movement for establishing the equality of men. A committee dealing with the question of the elective franchise brought in a report recommending that

> Every white male citizen of the age of twenty-one years, who shall have resided in this state six months next preceding any election . . .

[26] N. Y. Const. 1777, arts. VII, X. There was a similar distinction made in the first constitution of North Carolina, and it may have existed elsewhere. The federal constitution itself recognizes this distinction, for in providing for the election of representatives in Congress it says they shall be chosen by the electors in each state having "the qualifications requisite for electors of *the most numerous branch* of the State legislature."

shall be entitled to vote at such election, in the town or ward in which he shall reside, for governor, lieutenant-governor, senators, members of the assembly, and all other officers who are or may be elected by the people.[27]

A few days later Mr. Erastus Root proposed an amendment stating that every person with certain different qualifications "shall be entitled to vote, in the town where they (he) may actually reside, for any elective officer in this state."[28] When this amendment came up for debate, Mr. Ambrose Spencer of Albany proposed to amend it by inserting the following words after the word "state"; "other than for senators; and that in elections for senators, every free male citizen, of the age of 21 years, who shall have been, one year next preceding the election, an inhabitant of this state, and at the time of offering himself as an elector, shall have an interest in law or equity, in his own or in his wife's right, in any lands or tenements in this state, of the value of $250 over and above all debts charged thereon, shall be entitled to vote for senators in the town or ward in which he shall reside."[29] This proposition was supported by Mr. Spencer, Mr. Chancellor Kent, and several others, as necessary to give adequate protection to property. The senate should be the bulwark of the propertied classes. If the same voters were to elect both houses of the assembly, what would be the utility in having two houses? The doctrine of equality was a radical and dangerous thing. The disproportion between the men of property and of no property was daily increasing. It was predicted that within a century, if all men were equal in voting power, the state would be governed by "the motley assemblage of paupers, emigrants, journeyman manufacturers, and those undefinable classes of inhabitants which a state and city like ours is calculated to invite." Indeed, the city of New York would rule the state! There was only one salvation. Let none but men of property, the honest, independent, temperate and just class of small farmers and other freeholders, control the senate. They, said the Chancellor, "are the surest guardians of property."

The debate thus begun extended over several days. It was ably sustained on both sides, the exponents of equality being rather more numerous and cogent. The issue was clearly understood. It was not whether every voter should vote for every senator, or even whether he should vote for every one elected in his district. Not a word was said which in any way indicated any confusion upon this point. It was simply the question whether there should be one class of voters for all purposes, or different classes of voters for different purposes. Mr. Root's amendment would have been more specific and more clearly expressive of his point if it had said: "There shall be but one class of voters for all purposes. No class of officers shall be chosen by any but the general body of voters." Or, in other words, each properly qualified person shall be entitled "to vote for all *classes of* officers" which now are or hereafter may be elective within the voting district. The purpose was to make all voters equal, to abolish voting classes. So far as the debate goes, there was no intent shown to prohibit either single district voting or plural district voting, limited voting, cumulative voting, preferential voting, or the Hare system. Methods of voting simply were not discussed.

When the vote was taken the exponents of equality among voters showed a handsome majority. The

[27] Debates and proceedings of the Convention, etc., 1821, pp. 70-71.

[28] *Ibid.*, p. 106.

[29] *Ibid.*, p. 113.

language of Mr. Root's proposal was slightly changed at a later date, for his amendment was somewhat awkwardly drawn, and his idea was embodied in the words: "Every male citizen (having certain qualifications) shall be entitled to vote . . . for all officers that now are, or hereafter may be, elective by the people."

This provision became a part of the New York constitution of 1821. Later it was written into the constitutions of other states, perhaps from a feeling that New York's constitution was a worthy model to copy, perhaps from other and more obscure motives. In Minnesota, the New York form of words was adopted without a word of discussion. It would be a nice piece of historical research, which the writer has not attempted, to go through the constitutional debates in the other states involved to ascertain the reasons given for adopting the New York form of language for conferring the right of suffrage upon the voters. A cursory examination of some leading constitutional debates leads the writer to the conclusion that little or nothing would be revealed with reference to the different methods of voting discussed in this paper. The tentative conclusion is that these questions were not considered at all in earlier days, and that they have not frequently been discussed even in later conventions. If this be true, it cannot be said that our constitutional conventions had any strongly-evidenced intention to forbid these methods of voting, some of which were scarcely known in the fore part of the last century.

THE RIGHT TO VOTE "IN ALL ELECTIONS"

Whatever may be the historical explanation, it cannot be denied that the New York form of statement gives some ground for asserting the right of each voter to vote effectively for each and every officer to be elected. The same cannot be said for the provisions which say that a voter may vote "in all elections," or "in any election," or that he shall be a "qualified elector." These phrases certainly do not indicate upon their face any intention other than that of establishing an equality among electors. There is nothing in the words used to prove the intention of the framers to insist upon any special system of election, or to guarantee plurality rule under the system of the non-transferable vote. What we know of the history of suffrage provisions in the colonies, and of subsequent efforts to bring about reform, indicate clearly the purpose of later constitution framers to establish uniform voting requirements and to give each voter equality of right with every other. To say that these provisions purposely or even inadvertantly establish the system of the non-transferable vote, which must result in many cases in mere plurality rather than majority rule, is to assert the improbable and perhaps the unprovable. If 40 voters vote for one candidate, 35 for another, and 25 for a third, under the non-transferable voting system the 40 are worth more than the 60. If this be equality then we can say with Pliny, who was discussing voting in Rome, that "nothing is so unequal as the equality which prevails." Equality of voting right should mean the right of the true majority to rule, and of the minority to be represented and heard.

ELECTIONS BY PLURALITIES

In popular elections under the system of voting by non-transferable ballots, it is difficult to bring about true majority elections. In order to obviate this difficulty a number of states have legalized plurality elections by constitutional provision, while

others have done so by statute. This is, of course, a case where principle has had to compromise with expediency. Wherever the constitutions establish the legality of plurality elections, it may be implied that the Hare system of voting is unconstitutional. This is, however, more certainly true of such a system of preferential voting as was involved in the Duluth case than of the Hare system. The mere mention of plurality elections seems to imply the use of the non-transferable vote. The particular form of wording of such provisions needs, however, to be studied with care. In some cases it may be within the power of the legislature to establish by legislation the rules of evidence to determine what shall be considered "the highest number of votes." The Arizona provision appears to be the most sweeping. It provides that "In all elections held, by the people, in this state, the person, or persons, receiving the highest number of legal votes shall be declared elected."

The antagonism in principle that exists between the idea of plurality elections and that of either preferential voting or proportional representation is referred to in several of the cases cited above, but in no case has such a provision been made the basis of a decision. This antagonism is illustrated also by the Oregon constitutional provision which expressly authorized both preferential voting and proportional representation in that state.[30]

CONCLUSION

The foregoing analysis of the cases may be made the basis for several constructive proposals. In the first place it must be admitted that the constitutionality of the Hare system of voting is somewhat in doubt. In two states it has been declared unconstitutional. Where this is true there is no remedy other than that of a state constitutional amendment, unless perchance, on reargument the supreme court in any such state might be brought to reverse itself. In the second place it must be admitted that in the states where voters are guaranteed the right to vote "for all officers" elective by the people, the language of the constitution does give some support to the idea that the Hare system of voting is invalid. Should any case arise touching this question in such a state, great stress should be laid upon the fact that the evident intent of this provision was not to give each and every voter the right to vote for each officer. The true purpose seems to have been to establish equality of right among voters. It is interesting to note that the constitution does not say "vote for each officer" but "vote for all officers." Third, in the states where the constitutional provision merely says "vote in all elections" or "in any election" the intention clearly was to establish equality of right among voters and nothing more. No evidence has yet been presented of any intention to go farther than this. In fact, in certain states even this idea of equality of right has been broken down by statutes which have created special classes of voters for special purposes. Such statutes are a most serious violation of the purpose of the constitutional provisions. If any court sustains such a statute and at the same time denies the validity of the statutes regulating the method of voting, the court is certainly straining at a gnat while swallowing a camel. The fundamental principle to be kept in mind is that of *equality of right among voters*. Stress could well be laid upon the fact that the ordinary systems of voting, which establish plurality rule, destroy the equality which should exist.

[30] Oregon Const., Art. II, sec. 16; adopted as initiated amendment, 1908.

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PUBLISHED BY THE

NATIONAL MUNICIPAL LEAGUE

RUMFORD BUILDING, CONCORD, N. H.

EDITORIAL OFFICE, 261 BROADWAY, NEW YORK, N. Y.

THE NATIONAL MUNICIPAL REVIEW covers the field of government by means of articles, comment and news notes. It is sent to all members of the National Municipal League. Those who do not desire to become members of the League may subscribe to the REVIEW by paying five dollars a year in advance. Canada subscription rates $5.25 in advance; foreign $5.50. Checks should be made payable to the National Municipal League and mailed to 261 Broadway, New York, N. Y.

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Entered as second-class matter April 15, 1914, at the post-office at Concord, New Hampshire, under the Act of August 24, 1912. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized December 24, 1920.

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